

# Studies Compilation

## 2011 Legislative Interim Study Information

Issued by the Legislative Services Agency, Legal Services Division,  
[draft as of August 2, 2011]

Overview. This compilation provides a description of studies and studies-related information for consideration by the Studies Committee of the Legislative Council. Except for the list of executive branch studies, items are listed in bill or resolution order. Attached to the compilation is the original legislation or document that caused the item to be included. Each attachment item is marked to correspond with the listing number; for example, item 1 under part A is marked as A-1.

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### **A. Mandated Legislative Studies in Code or Session Law**

1. The **Legislative Health Care Coverage Commission** is created under the authority of the Legislative Council, with administrative support to be provided by the Legislative Services Agency (LSA). Four legislators and certain agency directors or their designees are ex officio, nonvoting members. Eleven public members representing the public and various interests are to be appointed as voting members by the Legislative Council. The Legislative Council is required to appoint a chairperson and vice chairperson from the voting membership. An appropriation of \$200,000 for costs associated with the Commission is made to LSA in 2009 Iowa Acts, H.F. 820, as amended by S.F. 478, §160. In 2011 Iowa Acts, H.F. 45, this amount was changed to \$160,000. The appropriation expired on June 30, 2011.

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The Commission was initially required to complete its deliberations by July 1, 2011, and provide progress reports on January 1, 2010, and 2011. However, in 2010, the Legislative Council directed the Commission to complete its deliberations no later than December 31, 2010, and file a final report with the General Assembly no later than January 31, 2011. In 2011 Iowa Acts, H.F. 45, §21, the repeal date for the Commission was extended from December 31, 2011, to July 1, 2013, but this extension was item-vetoed by the Governor. (Original enactment - 2009 Iowa Acts, S.F. 389, §1 – see also consultant qualification criteria proposed in 2009 Iowa Acts, H.C.R. 9.)

**2. The Legislative Tax Expenditure Committee** is created as a permanent body under the Legislative Council. The Committee is to consist of five legislators from each chamber appointed by the Legislative Council. Duties include approving annual estimates of the cost of tax expenditures by December 15 each year and performing a scheduled review of specified tax credits so that each credit is reviewed at least every five years. The first scheduled review is in 2011. (Iowa Code §§2.45(5) and 2.48)

**3. The State Government Efficiency Review Committee** is created as a permanent legislative committee with five Senate and five House members appointed at the beginning of a new General Assembly that meets, as directed by the Legislative Council, every two years to review state government organization and efficiency. The first report is due January 2013. (Iowa Code §2.69)

**4. The Public Retirement Systems Committee**, in accordance with Iowa Code §97D.4, is required to review and evaluate all public retirement systems in place in Iowa, including the Iowa Public Employees' Retirement System (IPERS), the Municipal Fire and Police Retirement System of Iowa (Code Chapter 411), the Department of Public Safety Peace Officers' Retirement System (PORS), and the Judicial Retirement System. The Committee typically meets during the legislative interim of odd-numbered years. (Iowa Code §97D.4)

**5. The Legislative Council** is required to establish a **State Fish and Game Protection Fund Study Committee** for the 2011 Interim to review the expenditures from the fund by the Department of Natural Resources. (2011 Iowa Acts, S.F. 509, §18)

## **B. Legislative Study Requests in Enacted Legislation**

**1. The Legislative Council** is requested to establish an interim study committee to examine **the treatment and placement options for inmate geriatric and psychiatric patients** who are under the care, custody, and control of the state, or for patients who are otherwise housed at the Iowa Medical and Classification Center at Oakdale or other correctional facilities for geriatric or psychiatric treatment. (2011 Iowa Acts, S.F. 510, §24) See also related study to be conducted by Departments of Corrections, Human Services, Inspections and Appeals, and Public Health, as required by 2011 Iowa Acts, S.F. 510, §25.

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2. The Legislative Council is requested to authorize an interim study committee on **mental health and disability services** for the 2011 Interim. The purpose of the interim committee is to closely engage with, monitor, and propose legislation concerning the recommendations and proposals developed by the workgroup and other bodies addressed by 2011 Iowa Acts, S.F. 525 (see workgroup listing under the Executive Branch Studies). It is also requested that the interim committee membership consist of equal numbers of legislators from both political parties and both chambers and that the legislators serving on the interim committee and other interested legislators be authorized to participate in the meetings of the workgroups and subcommittees addressed by the legislation. The legislation lists specific topics to be addressed by the interim committee. (2011 Iowa Acts, S.F. 525, §1)

### **C. Legislative Study and Permanent Committee Requests in Adopted or Filed Resolutions**

1. Directive for the Office of Citizens' Aide/Ombudsman, under the supervision of the Legislative Council, to assist the parties in a **dispute between the board of trustees of a drainage district and residents of land in the district** to enter into mediation to resolve their dispute. (S.C.R. 4 - PASSED BY THE SENATE)
2. Request for the Legislative Council to establish an interim study committee to **examine domestic abuse**. (H.C.R. 10)
3. Request for the Legislative Council to create an interim study committee relating to **law enforcement officer training** in Iowa. (H.C.R. 14)
4. Request for the Legislative Council to create a study committee regarding the current requirements for **physical examinations for home health care workers**. (H.R. 23)

### **D. Legislative Study Requests Submitted in a Letter or Memo**

1. Request for authorization of a study committee to review requirements and make recommendations pertaining to the use of **motorboats on Lake Macbride**.

### **E. Executive Branch Studies Involving Legislative Appointments or a Special Directive**

#### **Administration and Regulation-related Items**

1. The Department of Administrative Services is required to consult with the Department of Management to implement a policy to increase the executive branch ratio of employees per supervisor, also known as **span of control**. The policy is subject to various exemptions, restrictions, and requirements and

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reports to the Governor and General Assembly are due by April 1, 2010, 2011, and 2012. (Iowa Code §8A.402(2), as enacted by 2009 Iowa Acts Ch. 179, (S.F. 478), §27, and amended by 2010 Iowa Acts Ch. 1031, (S.F. 2088), §67)

2. The Department of Administrative Services, in collaboration with the Department of Management, is required to report to LSA and the Fiscal Committee concerning operation of the **state employee retirement incentive program**. The initial report is due October 1, 2010, with annual updates on October 1 for four years beginning October 1, 2011. (2010 Iowa Acts, Ch. 1005, §1(6) (S.F. 2066))

3. The Department of Administrative Services is required to contract for **medication therapy management services for state employees** other than those employed by the State Board of Regents. The contractor is required to provide annual reports to the General Assembly concerning the services provided. Amendments were item vetoed by the Governor that would have provided for the services to be continued in FY 2011-2012, and for a report on the results of the pilot program for the period of July 1, 2010, to December 30, 2011, to be submitted to the General Assembly no later than March 1, 2012. (2010 Iowa Acts, Ch. 1193, §166 (H.F. 2531), – 2011 Iowa Acts, S.F. 533, §117, item vetoed by the Governor)

#### **Agriculture and Natural Resources-related Items**

4. The **Watershed Improvement Review Board** is authorized to expend up to \$50,000 to study **soil nutrient mass balance issues**. The Department of Agriculture and Land Stewardship is required to report the results of the study to the board, the Governor, and the General Assembly by January 10, 2013. (2011 Iowa Acts, S.F. 509, §17)

5. The **Local Food and Farm Program Council** is established in the Department of Agriculture and Land Stewardship to advise the Local Food and Farm Program Coordinator. (2011 Iowa Acts, S.F. 509, §29)

6. The **Departments of Agriculture and Land Stewardship and Natural Resources** are required to submit quarterly reports concerning the expenditures to support the departments' **administration, regulation, and programs** during fiscal years 2011-2012 and 2012-2013 to the chairpersons and ranking members of the General Assembly's Committees on Natural Resources and the Joint Appropriations Subcommittee on Agriculture and Natural Resources. (2011 Iowa Acts, S.F. 509, §§1, 4, 46, and 49)

7. \*\*The **Council for Agricultural Education** is established under the Department of Education. The membership includes two members of the Senate appointed by the President and Minority Leader of the Senate and members of the House of Representatives appointed by the Speaker and Minority Leader of the House. (2011 Iowa Acts, H.F. 592)

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8. An allocation of \$350,000 is provided for the **Department of Natural Resources** to conduct a **preconstruction dam restoration study** to be filed with the General Assembly upon completion. (2011 Iowa Acts, H.F. 648, §1(8b))

#### **Cultural Affairs-related Items**

9. A committee is created to be appointed by and serve at the pleasure of the Governor to raise money for and arrange for the exchange of the statue of James Harlan currently on display in the U.S. Capitol with a **statue of Dr. Norman Borlaug**. Administrative support for the committee is to be provided by the Department of Cultural Affairs. (2011 Iowa Acts, H.J.R. 16)

#### **Economic Development and Commerce-related Items**

10. \*\*The **Economic Development Authority Board** is created in place of the Economic Development Board. This new board also includes two senators appointed by the President and Minority Leader of the Senate and two representatives appointed by the Speaker and Minority Leader of the House of Representatives. (2011 Iowa Acts, H.F. 590, §5)

11. The **Economic Development Authority and the Iowa Finance Authority are required to study the issue of merging into a single authority**. The authorities are required to report to the Governor and General Assembly on or before December 1, 2011. (2011 Iowa Acts, H.F. 590, §5)

#### **Education-related Items**

12. The College Student Aid Commission duties were expanded to include an annual report on the numbers of **minority students enrolled in and minority faculty employed by postsecondary institutions** in the state. (2011 Iowa Acts, S.F. 122)

#### **Gaming-related Items**

13. The Administrator of the State Racing and Gaming Commission is required to submit a report on creation of a framework for the **state regulation of intrastate Internet poker** to the General Assembly by December 1, 2011. In addition, the Director of Public Health is required to submit a report by October 1, 2011, to the administrator regarding the societal impacts of Internet poker in Iowa for inclusion in the administrator's report. (2011 Iowa Acts, S.F. 526, §15)

#### **General Assembly-related Items**

14. On or after July 1, 2010, prior to the General Assembly establishing in Code a **new appointive board, commission, committee, or council**, various determinations must be made by the General Assembly, including whether there is an existing body, an estimated cost for the new body, and whether a repeal date is needed. (Iowa Code §69.16D)

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## Health-related Items

15. A task force is to be formed to provide education and information and to assess the impact on **people with epilepsy** of generically equivalent drug product selection of antiepileptic drugs for the treatment of epileptic seizures. The Department of Public Health is designated to provide administrative support for the task force and \$12,500 is allocated in 2011 Iowa Acts, H.F. 649, §2(3)(j), for the task force. (2011 Iowa Acts, H.F. 322)

16. The Department of Public Health is required to convene a stakeholder workgroup to design a strategy to respond to the **needs of lowans with Alzheimer's disease and other forms of dementia**. The response strategy is required to be submitted to the Governor and General Assembly no later than November 15, 2011. (2011 Iowa Acts, H.F. 390)

17. The Board of Pharmacy is authorized to approve a pilot or demonstration research project of innovative applications relating to the **authority of prescription verification and the ability of a pharmacist to provide enhanced patient care**. The duration of a project is limited to 18 months. (2011 Iowa Acts, H.F. 467, §36)

18. The Department of Public Health is required to convene a workgroup to develop a business model and financial sustainability plan for implementing a **statewide health information technology system**. The business model and plan is to be submitted to the Executive Committee established pursuant to Code §135.156 and the State Board of Health for approval and then to the Governor and General Assembly by December 1, 2011, for review and subsequent action. (2011 Iowa Acts, H.F. 649, §111)

## Human Services-related Items

19. **\*\*The Task Force on the Prevention of Sexual Abuse of Children** is established consisting of various interests, and including two senators appointed by the Senate Majority and Minority leaders and two representatives appointed by the Speaker and Minority Leader of the House of Representatives. The Director of Prevent Child Abuse Iowa or the director's designee is to convene the task force and that organization provides staff support for the task force. The task force final report is to be submitted to the Governor and General Assembly on or before January 16, 2012. (2011 Iowa Acts, S.F. 533, §87)

20. The Department of Human Services is required to continue working with the Office of the Attorney General, Department of Inspections and Appeals, Office of the Citizens' Aide/Ombudsman, Prevent Child Abuse Iowa, Iowa Civil Liberties Union, and other stakeholders to develop and implement improvements in child abuse assessment and registry processes to ensure the **due process rights of persons alleged to have committed child abuse** are addressed in a more timely manner while also ensuring that children are protected from abuse. The department is required to report to the members of the General Assembly's

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Committees on Human Resources and LSA on or before December 15, 2011. (2011 Iowa Acts, H.F. 562, §7)

**21.** Representatives of chief juvenile court officers, the Department of Human Rights, and the Department of Human Services are required to work with juvenile detention centers and other stakeholders in reviewing the **methodology for distributing moneys from the Juvenile Detention Home Fund**, consider alternative methodologies, and report findings and recommendations to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Services and legislative staff by December 15, 2011. (2011 Iowa Acts, H.F. 649, §17)

#### **Justice System-related Items**

**22.** The Department of Human Services is required to consult with representatives of county attorneys, the Office of the Attorney General, and other stakeholders in reviewing the **role of the county attorney in representing the Department of Human Services in juvenile proceedings** under Code Chapter 232. The results of the review are required to be reported to various legislative committees on or before December 15, 2011. (2011 Iowa Acts, S.F. 482, §12)

**23.** The Department of Corrections is required to submit a report on **electronic monitoring of offenders** to specified legislators and legislative staff by January 15 of 2012 and 2013. (2011 Iowa Acts, S.F. 510, §§8 and 37)

**24.** The **Department of Justice is required to report concerning funding received from sources other than the General Fund of the State**, including actual and expected reimbursements, to the chairpersons and ranking members of the Joint Appropriations Subcommittee on the Justice System and to LSA, by January 15 of 2012 and 2013. (2011 Iowa Acts, S.F. 510, §§1(2) and 30(2))

**25.** The Department of Corrections is authorized to use inmate labor to restore or preserve rural cemeteries and historical landmarks, and to clean up roads, major water sources, and other water sources. The department is required to submit a quarterly status report to LSA on the use of **private sector employment of offenders** during FY 2011-2012 and FY 2012-2013. (2011 Iowa Acts, S.F. 510, §§7 and 36)

#### **Labor and Employment-related Items**

**26.** The Auditor of State is required to conduct an **annual audit of the Department of Workforce Development**, including program accountability, and report to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Economic Development for FY 2011-2012 and FY 2012-2013. (2011 Iowa Acts, S.F. 517, §§16 and 62)

#### **Mental Health and Disability Services System-related Items**

**27.** The Department of Human Services is required to initiate a workgroup process to **redesign the publicly funded mental health and disability**

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**services system**, to begin as soon after the effective date of the legislation as is practicable. The workgroups are to be closely engaged with the interim committee requested on this topic. Separate workgroups and subcommittees are to address the following: redesign of the adult mental health system, redesign of adult intellectual and other developmental disability system, and redesign of children's disability services. See related workgroups listed under this heading. An appropriation of \$250,000 is provided to the department for the costs of planning and other implementation processes and a sole source contracting may be utilized to procure assistance. (2011 Iowa Acts, S.F. 525, §§1 and 4)

**28.** The workgroup initiated during the 2010 Interim by the Judicial Branch and the Department of Human Services to **improve the processes for involuntary commitment** is continued for the 2011 Interim. Additional topics are assigned to the workgroup and the workgroup reporting is coordinated with the other workgroups studying the services system. (2011 Iowa Acts, S.F. 525, §2 and H.F. 649, §47)

**29.** Representatives of the Departments of Human Services and Public Health and the community services network hosted by the Iowa State Association of Counties are required to develop implementation provisions for an **integrated data and statistical information system** for mental health, disability services, and substance abuse services. The effort is required to be coordinated with the other service system redesign efforts. (2011 Iowa Acts, S.F. 525, §3)

**30.** The Department of Human Services is required to establish a transition committee to develop a plan for transitioning psychiatric medical institution for children (**PMIC**) **services to be administered under the Medicaid managed care** contract for mental health known as the Iowa Plan. The transition plan is required to be reported to the interim committee and to the chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Services. (2011 Iowa Acts, S.F. 525, §9)

### **Taxation-related Items**

**31.** The Department of Revenue is required to initiate and coordinate the establishment of an **Industrial Processing Exemption Study Committee**. The committee is required to report annually to the General Assembly on January 1, 2006, through January 1, 2013. (2005 Iowa Acts, Ch. 77, §§1 and 2 (H.F. 313))

### **Transportation-related Items**

**32.** The Department of Transportation is required to periodically review the revenues for the Road Use Tax Fund and the sufficiency of the revenues, and to evaluate alternative **funding sources for road maintenance and construction**. A report on the findings is required every five years with the first report to be submitted to the General Assembly by December 31, 2011. (Iowa Code §307.31)

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## **F. Mandatory Future Legislative-related Studies**

1. The Government Oversight Committees are required to review the priorities of **distribution of E911 funds** at least every two years. (Iowa Code §34A.7A(3))
2. Effective January 1, 2012, a **Property Assessment Appeal Board Review Committee** is established to review the activities of the Property Assessment Appeal Board created in 2005 Iowa Acts, Ch. 150, §121 (H.F. 868). The membership of the committee includes six members of the General Assembly. (Iowa Code §421.1A(7))
3. The Auditor of State, in consultation with the Department of Transportation and the Iowa County Treasurers Association, is required to study the fiscal impact of the **county driver's license issuance program** every four years. The initial report was due January 1, 2006. (Iowa Code §321M.9(4))

## **G. Boards and Commissions Repealed in 2011 Acts**

1. The **Agrichemical Remediation Program and Board** under Iowa Code Chapter 161 are repealed. (2011 Iowa Acts, H.F. 532, §6)
2. Iowa **Power Fund Board and Due Diligence Committee** under Iowa Code Chapter 469 are repealed and duties assigned to the Economic Development Authority. (2011 Iowa Acts, H.F. 590, §49)
3. Iowa **Climate Change Advisory Council** created in Iowa Code §455B.851 is repealed. (2011 Iowa Acts, H.F. 590, §48)
4. The **Clinicians Advisory Panel** created in Iowa Code §135.162 in the Department of Public Health is repealed. (2011 Iowa Acts, H.F. 467, §35)
5. The **Generation Iowa Commission** created in Iowa Code §15.421 is repealed. (2011 Iowa Acts, H.F. 45, §13)
6. A requirement for the State Board of Education to constitute the **State Board for Community Colleges** in Iowa Code §260C.3 is repealed. (2011 Iowa Acts, S.F. 470, §19)
7. The **Prevention and Chronic Care Management Advisory Council** established in the Department of Public Health pursuant to Iowa Code §135.161 is repealed effective December 31, 2011. Duties regarding this initiative are assigned to the Medical Home System Advisory Council. (2011 Iowa Acts, H.F. 649, §§78-82)
8. The **Governor's Council on Physical Fitness and Nutrition** in the Department of Public Health is repealed effective December 31, 2011. (2011 Iowa Acts, H.F. 649, §94)
9. The **Midwest Passenger Rail Compact and associated commission** under Iowa Code Chapter 327K are repealed effective July 1, 2011. By the

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terms of the compact, withdrawal from the compact takes effect one year after the effective date of the repeal. (2011 Iowa Acts, S.F. 533, §100)

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## Senate File 389 - Enrolled

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1 1 SENATE FILE 389  
1 2  
1 3 AN ACT  
1 4 RELATING TO HEALTH CARE, HEALTH CARE PROVIDERS, AND HEALTH  
1 5 CARE COVERAGE, PROVIDING RETROACTIVE AND OTHER EFFECTIVE  
1 6 DATES AND PROVIDING REPEALS.  
1 7  
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 9  
1 10 DIVISION I  
1 11 LEGISLATIVE HEALTH CARE COVERAGE COMMISSION  
1 12 Section 1. LEGISLATIVE HEALTH CARE COVERAGE COMMISSION.  
1 13 1. A legislative health care coverage commission is  
1 14 created under the authority of the legislative council.  
1 15 a. The commission shall include the following persons who  
1 16 are ex officio, nonvoting members of the commission:  
1 17 (1) The commissioner of insurance, or a designee.  
1 18 (2) The director of human services, or a designee.  
1 19 (3) The director of public health, or a designee.  
1 20 (4) Four members of the general assembly, one appointed by  
1 21 the speaker of the house of representatives, one appointed by  
1 22 the minority leader of the house of representatives, one  
1 23 appointed by the majority leader of the senate, and one  
1 24 appointed by the minority leader of the senate.  
1 25 b. The commission shall include the following persons who  
1 26 are voting members of the commission and who are appointed by  
1 27 the legislative council:  
1 28 (1) A person who represents large employers.  
1 29 (2) A person who represents Iowa insurers.  
1 30 (3) A person who represents health underwriters.  
1 31 (4) A health care provider.  
1 32 (5) A person who represents labor.  
1 33 (6) A consumer who represents the pre-Medicare population.  
1 34 (7) A consumer who represents middle-income adults and  
1 35 families.  
2 1 (8) A consumer who represents low-income adults and  
2 2 families.  
2 3 (9) A person who represents small businesses.  
2 4 (10) A person who represents nonprofit entities.  
2 5 (11) A person who represents independent insurance agents.  
2 6 2. The legislative council may employ or contract with a  
2 7 person or persons to assist the commission in carrying out its  
2 8 duties. The person or persons employed or contracted with to  
2 9 assist the commission shall gather and coordinate information  
2 10 for the use of the commission in its deliberations concerning  
2 11 health reform initiatives and activities related to the  
2 12 medical home system advisory council, the electronic health  
2 13 information advisory council and executive committee, the  
2 14 prevention and chronic care management advisory council, the  
2 15 direct care worker task force, the health and long-term care  
2 16 access technical advisory committee, the clinicians advisory  
2 17 panel, the long-term living initiatives of the department of  
2 18 elder affairs, medical assistance and hawk-i program

2 19 expansions and initiatives, prevention and wellness  
 2 20 initiatives including but not limited to those administered  
 2 21 through the Iowa healthy communities initiative pursuant to  
 2 22 section 135.27 and through the governor's council on physical  
 2 23 fitness and nutrition, health care transparency activities,  
 2 24 and other health care reform-related advisory bodies and  
 2 25 activities that provide direction and promote collaborative  
 2 26 efforts among health care providers involved in the  
 2 27 initiatives and activities. The legislative services agency  
 2 28 shall provide administrative support to the commission.  
 2 29 3. The legislative council shall appoint one voting member  
 2 30 as chairperson and one as vice chairperson. Legislative  
 2 31 members of the commission are eligible for per diem and  
 2 32 reimbursement of actual expenses as provided in section 2.10.  
 2 33 The consumers appointed to the commission are entitled to  
 2 34 receive a per diem as specified in section 7E.6 for each day  
 2 35 spent in performance of duties as a member, and shall be  
 3 1 reimbursed for all actual and necessary expenses incurred in  
 3 2 the performance of duties as a member of the commission.  
 3 3 4. The commission shall develop an Iowa health care reform  
 3 4 strategic plan which includes but is not limited to a review  
 3 5 and analysis of, and recommendations and prioritization of  
 3 6 recommendations for, the following:  
 3 7 a. Options for the coordination of a children's health  
 3 8 care network in the state that provides health care coverage  
 3 9 to all children without such coverage; utilizes, modifies, and  
 3 10 enhances existing public programs; maximizes the ability of  
 3 11 the state to obtain federal funding and reimbursement for such  
 3 12 programs; and provides access to private, affordable health  
 3 13 care coverage for children who are not otherwise eligible for  
 3 14 health care coverage through public programs.  
 3 15 b. Options for children, adults, and families to  
 3 16 transition seamlessly among public and private health care  
 3 17 coverage options.  
 3 18 c. Options for subsidized and unsubsidized health care  
 3 19 coverage programs which offer public and private, adequate and  
 3 20 affordable health care coverage including but not limited to  
 3 21 options to purchase coverage with varying levels of benefits  
 3 22 including basic or catastrophic benefits, an intermediate  
 3 23 level of benefits, and comprehensive benefits coverage. The  
 3 24 commission shall also consider options and make  
 3 25 recommendations for providing an array of benefits that may  
 3 26 include physical, mental, and dental health care coverage.  
 3 27 Affordable health care coverage options for purchase by adults  
 3 28 and families shall be developed with the goal of including  
 3 29 options for which the contribution requirement for all  
 3 30 cost-sharing expenses is no more than six and one-half percent  
 3 31 of family income.  
 3 32 d. Options to offer a program to provide coverage under a  
 3 33 state health or medical group insurance plan to nonstate  
 3 34 public employees, including employees of counties, cities,  
 3 35 schools, area education agencies, and community colleges, and  
 4 1 employees of nonprofit employers and small employers and to  
 4 2 pool such employees with the state plan.  
 4 3 e. The ramifications of requiring each employer in the  
 4 4 state with more than ten employees to adopt and maintain a  
 4 5 cafeteria plan that satisfies section 125 of the Internal  
 4 6 Revenue Code of 1986.  
 4 7 f. Options for development of a long-term strategy to  
 4 8 provide access to affordable health care coverage to the

4 9 uninsured in Iowa, particularly adults, and development of a  
4 10 structure to implement that strategy including consideration  
4 11 of whether to utilize an existing government agency or a newly  
4 12 created entity.

4 13 5. As part of developing the strategic plan, the  
4 14 commission shall collaborate with health care coverage experts  
4 15 to do including but not limited to the following:

4 16 a. Design solutions to issues relating to guaranteed  
4 17 issuance of insurance, preexisting condition exclusions,  
4 18 portability, and allowable pooling and rating classifications.

4 19 b. Formulate principles that ensure fair and appropriate  
4 20 practices relating to issues involving individual health care  
4 21 policies such as rescission and preexisting condition clauses,  
4 22 and that provide for a binding third-party review process to  
4 23 resolve disputes related to such issues.

4 24 c. Design affordable, portable health care coverage  
4 25 options for low-income children, adults, and families.

4 26 d. Design a proposed premium schedule for health care  
4 27 coverage options which includes the development of rating  
4 28 factors that are consistent with market conditions.

4 29 e. Design protocols to limit the transfer from  
4 30 employer-sponsored or other private health care coverage to  
4 31 state-developed health care coverage plans.

4 32 6. The commission may request from any state agency or  
4 33 official information and assistance as needed to perform its  
4 34 duties pursuant to this section. A state agency or official  
4 35 shall furnish the information or assistance requested within  
5 1 the authority and resources of the state agency or official.  
5 2 This subsection does not allow the examination or copying of  
5 3 any public record required by law to be kept confidential.

5 4 7. The commission shall provide progress reports to the  
5 5 legislative council every quarter summarizing the commission's  
5 6 activities.

5 7 8. The commission shall provide a progress report to the  
5 8 general assembly by January 1, 2010, summarizing the  
5 9 commission's activities thus far, that includes but is not  
5 10 limited to recommendations and prioritization of  
5 11 recommendations for subsidized and unsubsidized health care  
5 12 coverage programs which offer public and private and adequate  
5 13 and affordable health care coverage for adults. The  
5 14 commission shall collaborate with health care coverage experts  
5 15 to ensure that health care coverage for adults that is  
5 16 consistent with the commission's recommendations and  
5 17 priorities is available for purchase by the public by July 1,  
5 18 2010.

5 19 9. The commission shall provide a report to the general  
5 20 assembly by January 1, 2011, summarizing the commission's  
5 21 activities since the previous annual report provided on  
5 22 January 1, 2010, including but not limited to information  
5 23 about health care coverage for adults, including enrollment  
5 24 information, that was available for purchase by the public by  
5 25 July 1, 2010, consistent with the commission's recommendations  
5 26 and priorities, and including further recommendations and  
5 27 prioritization of those recommendations.

5 28 10. The commission shall conclude its deliberations by  
5 29 July 1, 2011, and shall submit a final report to the general  
5 30 assembly by October 1, 2011, summarizing the commission's  
5 31 activities particularly pertaining to the availability of  
5 32 health care coverage programs for adults, analyzing issues  
5 33 studied, and setting forth options, recommendations, and

5 34 priorities for an Iowa health care reform strategic plan that  
5 35 will ensure that all Iowans have access to health care  
6 1 coverage which meets minimum standards of quality and  
6 2 affordability. The commission may include any other  
6 3 information the commission deems relevant and necessary.  
6 4 11. This section is repealed on December 31, 2011.

Code §2.45(5) Committees of the Legislative Council

5. a. The legislative tax expenditure committee which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. In appointing the five members of each house to the committee, the council shall appoint three members from the majority party and two members from the minority party.
- b. The legislative tax expenditure committee shall have the powers and duties described in section 2.48.

2.48 Legislative tax expenditure committee — review of tax incentive programs.

1. Duties of committee. The legislative tax expenditure committee shall do all of the following:

- a. Evaluate any tax expenditure available under Iowa law and assess its equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation that enacted the tax expenditure, as those issues pertain to taxation in Iowa. For purposes of this section, “tax expenditure” means an exclusion from the operation or collection of a tax imposed in this state. Tax expenditures include tax credits, exemptions, deductions, and rebates. Tax expenditures also include sales tax refunds issued pursuant to section 423.3 or section 423.4.
- b. Establish and maintain a system for making available to the public information about the amount and effectiveness of tax expenditures, and the extent to which tax expenditures comply with the original intent of the legislation that enacted the tax expenditure.

2. Review of tax expenditures — budget estimates. The legislative tax expenditure committee shall do all of the following:

a. Engage in the regular review of the state’s tax expenditures.

(1) In reviewing tax expenditures, the committee may review any tax expenditure at any time, but shall at a minimum perform the reviews described in subsection 3.

(2) For each tax expenditure reviewed, the committee shall submit a report to the legislative council containing the results of the review. The report shall contain a statement of the policy goals of the tax expenditure and a return on investment calculation for the tax expenditure. For purposes of this subparagraph, “return on investment calculation” means analyzing the cost to the state of providing the tax expenditure, analyzing the benefits realized by the state from providing the tax expenditure, and reaching a conclusion as to whether the benefits of the tax expenditure are worth the cost to the state of providing the tax expenditure.

(3) The report described in subparagraph (2) may include recommendations for better aligning tax expenditures with the original intent of the legislation that enacted the tax expenditure.

b. (1) Estimate for each fiscal year, in conjunction with the legislative services agency and the department of revenue, the cost of each individual tax expenditure and the total cost of all tax expenditures, and by December 15 provide those estimates to the governor for use in the preparation of the budget message under section 8.22 and to the general assembly to be used in the budget process.

(2) The estimates provided pursuant to subparagraph (1) may include the committee’s recommendations for the imposition of a limitation on a specified tax expenditure, a limitation on the total amount of tax expenditures, or any other recommendation for a specific tax expenditure or the program under which the tax expenditure is provided.

3. Schedule of review of all tax expenditures. The committee shall review the following tax expenditures and incentives according to the following schedule:

a. In 2011:

- (1) The high quality jobs program under chapter 15, subchapter II, part 13.
- (2) The tax credits for increasing research activities available under sections 15.335, 15A.9, 422.10, and 422.33.
- (3) The franchise tax credits available under sections 422.11 and 422.33.
- (4) The earned income tax credit available under section 422.12B.

b. In 2012:

- (1) The Iowa fund of funds program in chapter 15E, division VII.
- (2) Property tax revenue divisions for urban renewal areas under section 403.19.
- (3) The targeted jobs withholding credits available under section 403.19A.
- (4) Funding of urban renewal projects with increased local sales and services tax revenues under section 423B.10.
- (5) School tuition organization tax credits under sections 422.11S and 422.33.
- (6) Tuition and textbook tax credits under section 422.12.

c. In 2013:

- (1) The child and dependent care and early childhood development tax credits under section 422.12C.
- (2) The endow Iowa tax credits authorized under section 15E.305.
- (3) The redevelopment tax credits available under section 15.293A.
- (4) The disaster recovery housing tax credits available under sections 16.211 and 16.212.
- (5) The tax credits available for film, television, and video project promotion under section 15.393.

d. In 2014:

- (1) Tax credits for investments in qualifying businesses and community-based seed capital funds under chapter 15E, division V.
- (2) Historic preservation and cultural and entertainment district tax credits under chapter 404A.
- (3) Wind energy production tax credits under chapter 476B.
- (4) Renewable energy tax credits under chapter 476C.
- (5) The ethanol promotion tax credits available under section 422.11N.
- (6) The E-85 gasoline promotion tax credits available under section 422.11O.
- (7) The biodiesel blended fuel tax credits available under section 422.11P.

e. In 2015:

- (1) The agricultural assets transfer tax credit under section 175.37.
  - (2) The claim of right tax credit under section 422.5.
  - (3) The reduction in allocating income to Iowa by S corporation shareholders under section 422.8.
  - (4) The minimum tax credit under sections 422.11B, 422.33, and 422.60.
  - (5) The assistive device corporate tax credit under section 422.33.
  - (6) The charitable conservation contribution tax credit under sections 422.11W and 422.33.
  - (7) The motor vehicle fuel tax credit under section 422.110.
  - (8) The new jobs tax credits available under section 422.11A.
  - (9) The financial assistance available under the enterprise zones program in chapter 15E, division XVIII.
4. A tax expenditure or incentive reviewed pursuant to subsection 3 shall be reviewed again not more than five years after the tax expenditure or incentive was most recently reviewed.



STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

2.69 State government efficiency review committee established.

1. A state government efficiency review committee is established which shall meet at least every two years to review the operations of state government. The committee shall meet as directed by the legislative council.
2.
  - a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives.
  - b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.
  - c. The committee shall elect a chairperson and vice chairperson.
3. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 2.10 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.
4. The committee shall do the following:
  - a. Review and consider options for reorganizing state government to improve efficiency, modernize processes, eliminate duplication and outdated processes, reduce costs, and increase accountability. The review shall address the expanded use of the internet and other technology, and the incorporation of productivity improvement measures.
  - b. Review recommendations received through a process to receive state government efficiency suggestions offered by the public and public employees.
  - c. Issue a report, including its findings and recommendations, to the general assembly.
5. The first report required by this section shall be submitted to the general assembly no later than January 1, 2013, with subsequent reports developed and submitted by January 1 at least every second year thereafter.
6. Administrative assistance shall be provided by the legislative services agency.

97D.4 Public retirement systems committee established.

1. A public retirement systems committee is established.

- a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the speaker of the house of representatives, and two members of the house of representatives appointed by the minority leader of the house of representatives.
- b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.
- c. The committee shall elect a chairperson and vice chairperson. Meetings may be called by the chairperson or a majority of the members.

2. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 2.10 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

3. The committee shall:

- a. Develop and recommend retirement standards and a coherent state policy on public retirement systems.
- b. Continuously survey pension and retirement developments in other states and in industry and business and periodically review the state's policy and standards in view of these developments and changing economic and social conditions.
- c. Review the provisions in the public retirement systems in effect in this state.
- d. Review individually sponsored bills relating to the public retirement systems.
- e. Review proposals from interested associations and organizations recommending changes in the state's retirement laws.
- f. Study the feasibility of adopting a consolidated retirement system for the public employees of this state.
- g. Make recommendations to the general assembly.

4. The committee may:

- a. Contract for actuarial assistance deemed necessary, and the costs of actuarial studies are payable from funds appropriated in section 2.12, subject to the approval of the legislative council.
- b. Administer oaths, issue subpoenas, and cite for contempt with the approval of the general assembly when the general assembly is in session and with the approval of the legislative council when the general assembly is not in session.

5. Administrative assistance shall be provided by the legislative services agency.

DIVISION VIII  
INTERIM LEGISLATIVE COMMITTEE == STATE FISH  
AND GAME PROTECTION FUND

Sec. 18. INTERIM STUDY. The legislative council shall establish a study committee during the 2011 interim for purposes of reviewing expenditures from the state fish and game protection fund by the department of natural resources.

Sec. 24. GERIATRIC AND PSYCHIATRIC TREATMENT ==== LEGISLATIVE STUDY. The legislative council is requested to establish an interim study committee to examine the treatment and placement options for geriatric and psychiatric patients under the care, custody, and control of the state, or for patients who are otherwise specifically housed at the Iowa medical and classification center at Oakdale or other correctional facilities for geriatric or psychiatric treatment purposes. The committee shall focus on maximizing the availability of treatment options for such patients while achieving fiscal efficiencies. The committee shall review programs used in other states and by the federal government including but not limited to the use of forensic hospitals, prison-based hospice care, compassionate release, and the funding mechanisms used to implement such programs. Members of the interim study committee shall include the co-chairpersons and the ranking members of the joint appropriations subcommittee on justice system and the co-chairpersons and the ranking members of the joint appropriations subcommittee on human services. The committee shall provide a report detailing the findings of the committee to the general assembly for consideration during the 2012 legislative session.

3. a. The legislative council is requested to authorize an interim committee on mental health and disability services for the 2011 legislative interim to commence as soon as practicable. The purpose of the interim committee is to closely engage with, monitor, and propose legislation concerning the recommendations and proposals developed by the workgroups and other bodies addressed by this Act, particularly with regard to the identification of core services.

b. (1) It is intended that the interim committee members consist of equal numbers of legislators from both chambers and from both political parties. It is also requested that legislators serving on the interim committee and other interested legislators be authorized to participate in the meetings of the workgroups and subcommittees addressed in this Act.

(2) In addition to addressing workgroup recommendations, it is intended that the interim committee address property tax issues, devise a means of ensuring the state maintains its funding commitments for the redesigned services system, recommend revisions in the requirements for mental health professionals who are engaged in the involuntary commitment and examination processes under chapter 229, recommend revisions to the chapter 230A amendments contained in this Act as necessary to conform with the system redesign proposed by the interim committee, develop proposed legislation for amending Code references to mental retardation to instead refer to intellectual disabilities, and consider issues posed by the July 1, 2013, repeals of county disability services administration and funding provisions in 2011 Iowa Acts, Senate File 209. In addressing the repeal provisions, the interim committee shall consider all funding sources for replacing the county authority to levy for adult disability services.

(3) It is intended that the interim committee shall receive and make recommendations concerning the detailed and final proposals submitted by workgroups during the 2011 legislative interim for consideration by the general assembly in the 2012 legislative session.

## Senate Concurrent Resolution 4 - Reprinted

PAG LIN

### SENATE CONCURRENT RESOLUTION NO.

BY KIBBIE

1 1 A Concurrent Resolution directing the Office of  
1 2 Citizens' Aide/Ombudsman, under the supervision of  
1 3 the Legislative Council, to assist the parties in a  
1 4 dispute between the board of trustees of a drainage  
1 5 district and residents of land in the district to  
1 6 enter into mediation to resolve their dispute.  
1 7 WHEREAS, on December 15, 2010, the Levee and  
1 8 Drainage District Law Study Committee, as appointed by  
1 9 the Legislative Council, met to consider a number of  
1 10 issues affecting districts organized under chapter 468  
1 11 of the Iowa Code; and  
1 12 WHEREAS, the committee considered testimony and  
1 13 evidence presented by persons involved in a dispute  
1 14 concerning Muscatine=Louisa Drainage District 13; and  
1 15 WHEREAS, the dispute involves the dredging of a  
1 16 drainage ditch ordered by the Muscatine=Louisa Drainage  
1 17 District 13 Board of Trustees and its decision to  
1 18 dispose of the resulting spoil on the residential  
1 19 property of district landowners who are not engaged in  
1 20 farming; and  
1 21 WHEREAS, the Levee and Drainage District Law  
1 22 Study Committee recommended that the General Assembly  
1 23 consider legislation authorizing the Office of  
1 24 Citizens' Aide/Ombudsman to offer assistance to the  
1 25 parties in settling the dispute; NOW THEREFORE,  
1 26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF  
2 1 REPRESENTATIVES CONCURRING, That the Office of  
2 2 Citizens' Aide/Ombudsman, under the supervision of the  
2 3 Legislative Council, assist the parties in entering  
2 4 into mediation with an appropriate mediation service or  
2 5 mediator to resolve their dispute and monitor whether  
2 6 mediation has occurred or been terminated and whether a  
2 7 settlement was reached; and  
2 8 BE IT FURTHER RESOLVED, That the parties to this  
2 9 dispute are encouraged to cooperate with the Office of  
2 10 Citizens' Aide/Ombudsman and the mediation service or  
2 11 mediator in order to find common ground and achieve a  
2 12 lasting solution, that satisfies all parties; and  
2 13 BE IT FURTHER RESOLVED, That the Office of Citizens'  
2 14 Aide/Ombudsman, to the extent allowed by law or by  
2 15 agreement of the parties, provide a report to the  
2 16 Legislative Council regarding the resolution of this  
2 17 issue by December 1, 2011; and  
2 18 BE IT FURTHER RESOLVED, That a copy of this  
2 19 resolution be sent by mail or electronic means to Ms.  
2 20 Ruth H. Cooperrider, Citizens' Aide/Ombudsman; to the  
2 21 Board of Trustees of Muscatine=Louisa Drainage District  
2 22 13; and to the following residents of Muscatine County:  
2 23 Mr. Russell Alderin, Mr. Todd Reinsager, and Mr. Bill  
2 24 Haag.

## House Concurrent Resolution 10 - Introduced

PAG LIN

### HOUSE CONCURRENT RESOLUTION NO.

BY SCHULTE

1 1 A Concurrent Resolution requesting the legislative  
1 2 council to establish an interim study committee to  
1 3 examine domestic abuse.  
1 4 WHEREAS, the legislative council is requested to  
1 5 authorize a study for the 2011 legislative interim  
1 6 examining domestic abuse; and  
1 7 WHEREAS, the study recommendations and findings  
1 8 shall include but are not limited to the effectiveness  
1 9 of the supervision and monitoring of persons charged  
1 10 with or convicted of violations of criminal no-contact  
1 11 orders or civil protective orders; the availability of  
1 12 domestic abuse shelters and support services to victims  
1 13 of domestic abuse; the authority and effectiveness  
1 14 of the issuance of protective orders for companion  
1 15 animals owned or held by victims of domestic abuse; and  
1 16 the issuance of protective orders in domestic abuse,  
1 17 harassment, and stalking cases; and  
1 18 WHEREAS, the study is requested to be conducted  
1 19 by a legislative study committee consisting of seven  
1 20 members of the general assembly representing both  
1 21 political parties and both houses of the general  
1 22 assembly, consisting of four members of the house of  
1 23 representatives and three members of the senate, with  
1 24 the legislative council designating the chairperson and  
1 25 co-chairperson; NOW THEREFORE,  
1 26 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 27 THE SENATE CONCURRING, That the legislative council  
1 28 establish an interim study committee examining domestic  
2 1 abuse and issue its findings and recommendations in a  
2 2 report to the general assembly by January 9, 2012, for  
2 3 consideration during the 2012 legislative session.

LSB 1786YH (3) 84

jm/rj

## House Concurrent Resolution 14 - Introduced

PAG LIN

### HOUSE CONCURRENT RESOLUTION NO.

BY TJEPKES

1 1 A Concurrent Resolution requesting the legislative  
1 2 council create a study committee relating to law  
1 3 enforcement officer training in Iowa.  
1 4 WHEREAS, the legislative council is requested to  
1 5 authorize a study for the 2011 legislative interim  
1 6 examining law enforcement officer training in Iowa; and  
1 7 WHEREAS, the study recommendations and findings  
1 8 shall evaluate and make recommendations concerning  
1 9 job training requirements of law enforcement officers  
1 10 in this state which shall include but not be limited  
1 11 to reviewing the basic minimum training requirements,  
1 12 curriculum criteria, and the financial accountability  
1 13 of an officer candidate in training. The study  
1 14 committee shall also evaluate the utilization of  
1 15 community colleges as a resource for training in order  
1 16 to maximize training opportunities; and  
1 17 WHEREAS, the committee shall include representatives  
1 18 from the Iowa law enforcement academy, the department  
1 19 of public safety, community colleges, the Iowa league  
1 20 of cities, the Iowa state association of counties, the  
1 21 sheriff's association, the chief of police association,  
1 22 and other interested stakeholders; NOW THEREFORE,  
1 23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 24 THE SENATE CONCURRING, That the legislative council  
1 25 establish an interim study committee examining law  
1 26 enforcement officer training in Iowa and issue its  
1 27 findings and recommendations in a report to the general  
1 28 assembly by January 9, 2012.

LSB 2629YH (3) 84

rh/sc



## House Resolution 23 - Introduced

PAG LIN

### HOUSE RESOLUTION NO.

BY HANSON

1 1 A Resolution requesting the legislative council to  
1 2 establish an interim study committee regarding the  
1 3 current requirements for physical examinations for  
1 4 home health care workers.  
1 5 WHEREAS, home health care workers provide vital  
1 6 in=home assistance to Iowa's most vulnerable and frail  
1 7 population; and  
1 8 WHEREAS, home health care workers are in close and  
1 9 constant contact with these clients, risking possible  
1 10 contagion; and  
1 11 WHEREAS, home health care workers are currently  
1 12 subject to a "health assessment", but there is no  
1 13 detailed requirement for periodic physical examinations  
1 14 or health screenings; NOW THEREFORE,  
1 15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That  
1 16 the legislative council establish an interim study  
1 17 committee to examine whether the current requirements  
1 18 for physical examinations for home health care workers  
1 19 are sufficient to protect the health of the home health  
1 20 care workers and clients and the committee shall issue  
1 21 its findings and recommendations in a report to the  
1 22 general assembly by January 1, 2012.

LSB 2023YH (1) 84

jr/nh

August 1, 2011

TO: Chairperson Ragan, Vice-chairperson Paulsen, and Members of the Studies Committee of the  
Legislative Council

FROM: Senator Michael Gronstal

RE: Interim Study of Motorboat Requirements

There has been significant discussion in eastern Iowa concerning the requirements in law and regulation concerning the horsepower of the engines allowed on artificial lakes of a certain size. Iowa law, in Code Section 462A.31, allows operation of an engine of any size at no-wake speed on an artificial lake of 100 acres or more under the control of the Department of Natural Resources. However, the statute provides that on Lake Macbride, a motorboat with a power unit exceeding ten horsepower may be operated only when permitted by rule and the rule shall not authorize such use during the period beginning on the Friday before Memorial Day and ending on Labor Day inclusively.

I ask that the Legislative Council authorize a study committee to review the requirements and make recommendations pertaining to the use of motorboats on Lake Macbride.

g. (1) (a) Consult with the department of management and discuss and collaborate with executive branch agencies to implement and maintain a policy for incrementally increasing the aggregate ratio in the number of employees per supervisory employee in executive branch agencies. For purposes of determining the effects of the policy on the state employee workforce, the base date of July 1, 2008, shall be used and the target date for full implementation shall be July 1, 2011. The target aggregate ratio of supervisory employees to other employees shall be as follows:

(i) For the fiscal year beginning July 1, 2010, one to fourteen.

(ii) For the fiscal year beginning July 1, 2011, one to fifteen.

(b) For the purposes of this paragraph “g”, “*supervisory employee*” means a public employee who is not a member of a collective bargaining unit and who has authority, in the interest of a public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees, to direct such public employees, or to adjust the grievances of such public employees, or to effectively recommend any such action.

(c) In this paragraph “g”, executive branch agencies, except the department of public safety, shall not grant a supervisory employee with the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

(d) The policy shall allow appropriation units with twenty-eight or fewer full-time equivalent employee positions to apply for an exception to the policy through the executive council. The policy shall allow for exceptions when the supervisory employee ratio is mandated by a federal requirement.

(e) (i) Beginning July 1, 2011, the policy shall allow a director of an executive branch agency who believes that the agency will not be able to reach the applicable target aggregate ratio to apply for a waiver of that requirement through a five-person review board. In applying for a waiver, the director shall provide detailed documentation to the board describing the efforts that the executive branch agency has made in attempting to meet the applicable target aggregate ratio provided in this paragraph “g”. The review board shall consist of the director of the department of management or a designee of the director, three agency directors or the designees of those directors as designated by the governor, and one public member selected by the employee organization representing the greatest number of executive branch employees. However, if a department represented on the review board seeks a waiver, the member representing the department shall not participate in the decision on whether to grant a waiver for that department.

(ii) Prior to determining whether to grant a waiver, the review board shall make an initial determination of whether the executive branch agency has provided sufficient information to conduct a review. If not, the review board shall deny the request and notify the executive branch agency of the information needed to consider the request for waiver. If a waiver is granted, the review board shall limit the waiver to only those operations within an executive branch agency in which adequate justification for granting a waiver has been established.

(f) The policy shall provide that if layoffs are implemented, the number of middle management position layoffs shall correspond to the relative number of direct service position layoffs.

(g) The policy shall improve on the system in effect as of the base date by specifically defining and accounting for supervisory employee span of control.

(h) The policy shall provide that in calculating the span of control ratio for an executive branch agency, unfunded full-time equivalent positions shall not be utilized.

(i) The department shall present an interim report to the governor and general assembly on or before April 1, 2010, annual updates on or before April 1 subsequently, and a final report on or before April 1, 2012, detailing the effects of the policy on the composition of the workforce, cost savings, government efficiency, and outcomes.

(j) The policy developed pursuant to this paragraph "g" shall not encompass employees under the state board of regents.

(2) Evaluate the state's systems for job classification of executive branch employees in order to ensure the existence of technical skill-based career paths for such employees which do not depend upon an employee gaining supervisory responsibility for advancement, and which provide incentives for such employees to broaden their knowledge and skill base. The evaluation shall include but is not limited to a review of the classifications for all positions and providing options for eliminating obsolete, duplicative, or unnecessary job classifications. The department shall present interim reports to the general assembly on or before January 15, 2010, and January 14, 2011, concerning the department's progress in completing the evaluation and associated outcomes.

6. Program administration and reporting.

a. The department of administrative services shall administer the program and shall adopt administrative rules to administer the program. The department of administrative services and the department of management may adopt rules on an emergency basis under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

b. Records of the Iowa public employees' retirement system shall be released for the purposes of administering and monitoring the program subject to the requirements of section 97B.17, subsection 5.

c. The department of administrative services, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative services agency and the fiscal committee of the legislative council, by October 1, 2010, concerning the operation of the program. The department shall also submit an annual update concerning the program by October 1 of each year for four years, commencing October 1, 2011. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions not filled pursuant to the program, and the number of positions vacated by a program participant that have been refilled.

DIVISION XI  
MEDICATION THERAPY MANAGEMENT

Sec. 117. 2010 Iowa Acts, chapter 1193, section 166, subsections 2 and 3, are amended to read as follows:

2. a. Prior to July 1, 2010, the department of administrative services shall utilize a request for proposals process to contract for the provision of medication therapy management services beginning July 1, 2010, and prior to July 1, 2011, shall amend the contract to continue the provision of medication therapy management services beginning July 1, 2011,

for eligible employees who meet any of the following criteria:

(1) An individual who takes four or more prescription drugs to treat or prevent two or more chronic medical conditions.

(2) An individual with a prescription drug therapy problem who is identified by the prescribing physician or other appropriate prescriber, and referred to a pharmacist for medication therapy management services.

(3) An individual who meets other criteria established by the third-party payment provider contract, policy, or plan.

~~b. The department of administrative services shall utilize an advisory committee comprised of an equal number of physicians and pharmacists to provide advice and oversight regarding the request for proposals and evaluation processes. The department shall appoint the members of the advisory council based upon designees of the Iowa pharmacy association, the Iowa medical society, and the Iowa osteopathic medical association.~~

c. The contract shall require the company to provide annual reports to the general assembly detailing the costs, savings, estimated cost avoidance and return on investment, and patient outcomes related to the medication therapy management services provided. The company shall guarantee demonstrated annual savings, including any savings associated with cost avoidance at least equal to the program's costs with any shortfall amount refunded to the state. As a proof of concept in the program for the period beginning July 1, 2010, and ending June 30, 2011, the company shall offer a dollar-for-dollar guarantee for drug product costs savings alone. Prior to entering into a contract with a company, the department and the company shall agree on the terms, conditions, and applicable measurement standards associated with the demonstration of savings. The department shall verify the demonstrated savings reported by the company was performed in accordance with the agreed upon measurement standards. The company shall be prohibited from using the company's employees to provide the medication therapy management services and shall instead be required to contract with licensed pharmacies, pharmacists, or physicians.

d. The fees for pharmacist-delivered medication therapy management services shall be separate from the reimbursement for prescription drug product or dispensing services; shall be determined by each third-party payment provider contract, policy, or plan; and must be reasonable based on the resources and time required to provide the service.

e. A fee shall be established for physician reimbursement for services delivered for medication therapy management as determined by each third-party payment provider contract, policy, or plan, and must be reasonable based on the resources and time required to provide the service.

f. If any part of the medication therapy management plan developed by a pharmacist incorporates services which

are outside the pharmacist's independent scope of practice including the initiation of therapy, modification of dosages, therapeutic interchange, or changes in drug therapy, the express authorization of the individual's physician or other appropriate prescriber is required.

g. For the contract period beginning July 1, 2011, the department shall utilize the services of the college of pharmacy at a state university to validate reported drug cost savings.

h. The results of the pilot program for the period beginning July 1, 2010, and ending December 31, 2011, shall be submitted to the general assembly no later than March 1, 2012.

3. This section is repealed December 31, ~~2011~~ 2012.

DIVISION VII

SOIL NUTRIENT MASS STUDY

Sec. 17. WATERSHED IMPROVEMENT REVIEW BOARD.

1. Notwithstanding any provision to the contrary in chapter 466A, the watershed improvement review board established in section 466A.3 may authorize up to fifty thousand dollars of moneys available in the watershed improvement fund created in section 466A.2, for the fiscal period beginning July 1, 2011, and ending January 1, 2013, to finance a study of soil nutrient mass balance issues.

2. The study financed by the board under this section shall be conducted by the department of agriculture and land stewardship in cooperation with the Iowa state university college of agriculture. The department, in cooperation with the college of agriculture, shall study the leaching of nutrients from the soil; the related impacts on soil sustainability; productivity; water quality, including erosion, sediment, and phosphorus attached to sediment; and the soil's capacity to absorb and hold water.

3. The department of agriculture and land stewardship shall submit the results of the study financed by the board under this section to the board, the governor, and general assembly by January 10, 2013.



Sec. 29. NEW SECTION. 267A.3 Local food and farm program council.

1. A local food and farm program council is established to advise the local food and farm program coordinator carrying out the purpose and goals of this chapter as provided in section 267A.1.

2. The council shall be composed of the following voting members:

a. The secretary of agriculture or the secretary's designee.

b. Members appointed by the designated organizations, at the discretion of the organization, to represent the private sector as follows:

(1) One person by the Iowa farmers union who is involved in local food production.

(2) One person by the Iowa farmers market association.

c. Members appointed by the governor to represent public or private entities involved in local food distribution, marketing, or processing as follows:

(1) One person who is associated with a resource conservation and development office in this state.

(2) One person actively engaged in the distribution of local food to processors, wholesalers, or retailers.

(3) One person from the regional food systems working group who is actively engaged or an expert in local food.

3. A member designated by the secretary of agriculture shall serve at the pleasure of the secretary. A member appointed by an organization shall serve at the pleasure of that organization. A member appointed by the governor shall serve at the pleasure of the governor.

4. The council shall be part of the department. The department shall perform administrative functions necessary for the operation of the council.

5. The council shall elect a chairperson from among its members each year on a rotating basis as provided by the council. The council shall meet on a regular basis and at the call of the chairperson or upon the written request to the chairperson of a majority of the members.

6. The members of the council shall not receive compensation for their services including as provided in section 7E.6. However, the members may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council if allowed by the council.

7. A majority of the members constitutes a quorum and the affirmative vote of a majority of the members present is necessary for any substantive action to be taken by the council. The majority shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the duties of the council.

SF 509

DIVISION I

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL APPROPRIATIONS FOR FY 2011=2012

Section 1. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:  
..... \$ 16,497,308  
..... FTEs 365.00

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

DIVISION II

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS FOR FY 2011=2012

Sec. 4. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:  
..... \$ 12,266,688  
..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.

3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department's administration, regulation, and programs.

DIVISION XV

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

GENERAL APPROPRIATIONS FOR FY 2012=2013

Sec. 46. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... \$ 8,248,654  
..... FTEs 366.00

➡ 2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs. ←

DIVISION XVI

DEPARTMENT OF NATURAL RESOURCES

GENERAL APPROPRIATIONS FOR FY 2012=2013

Sec. 49. GENERAL FUND ==== DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:

..... \$ 6,133,344  
..... FTEs 1,145.95

2. Of the number of full-time equivalent positions authorized to the department pursuant to subsection 1, 50.00 full-time equivalent positions shall be allocated by the department for seasonal employees for purposes of providing maintenance, upkeep, and sanitary services at state parks. This subsection shall not impact park ranger positions within the department.

➡ 3. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated under this section to support the department's administration, regulation, and programs. ←

House File 592

AN ACT  
ESTABLISHING THE COUNCIL FOR AGRICULTURAL EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 256.32 Council for agricultural education.

1. An advisory council for agricultural education is established, which consists of nine members appointed by the governor. The nine members shall include the following:

a. Five persons representing all areas of agriculture and diverse geographical areas.

b. The individual representing agriculture on the state council for vocational education.

c. A secondary school program instructor, a postsecondary school program instructor, and a teacher educator.

2. The council may also include as ex officio members the following persons, as determined by the voting members of the council:

a. The state future farmers of America president.

b. The current state future farmers of America alumni association president.

c. The current postsecondary agriculture students president.

d. The current young farmers educational association president.

e. A state consultant in agricultural education.

f. The secretary of agriculture or the secretary's designee.

g. Two members of each house of the general assembly. This membership shall be bipartisan in composition and one member each shall be selected by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate, and one member each shall be selected by the speaker of the house of representatives and by the minority leader of the house of representatives.

3. The duties of the council are to review, develop, and recommend standards for secondary and postsecondary agricultural education. The council shall annually issue a report to the state board of education and the chairpersons of the house and senate agriculture and education committees regarding both short-term and long-term curricular standards for agricultural education and the council's activities. The council shall meet a minimum of twice annually, and must have a quorum consisting of a majority of voting members present to hold an official meeting and to take any final council action. However, hearings may be held without a quorum. The chairperson shall be elected annually by and from the voting membership. The initial organizational meeting shall be called by the director of the department of education.

4. The term of membership is three years. The terms shall be staggered so that three of the terms end each year, but no member serving on the initial council shall serve less than one year. The governor shall determine the length of the initial terms of office. However, the terms of office for members of the general assembly shall be as provided in section 69.16B.

b. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report, notwithstanding section 8.57, subsection 6, paragraph "c":

FY 2011=2012..... \$ 5,459,000

Of the amount appropriated in this lettered paragraph, \$350,000 shall be allocated to a county with a population between seventeen thousand seven hundred and seventeen thousand eight hundred as determined by the 2010 federal decennial census, for a lake with public access that has the support of a benefited lake district. The allocated moneys shall be used for purposes of completing a preconstruction dam restoration study that would include a geotechnical evaluation, hydrological studies, restoration alternatives, and construction specifications. The preconstruction dam restoration study shall be filed with the general assembly upon completion.

It is the intent of the general assembly that money shall be appropriated for the restoration and reconstruction of the dam for FY 2012=2013 and FY 2013=2014. Funding shall be contingent upon receipt of the study by the general assembly.

## House Joint Resolution 16 - Enrolled

### House Joint Resolution 16

#### A JOINT RESOLUTION

RELATING TO THE PLACEMENT OF A STATUE IN THE UNITED STATES

CAPITOL HONORING DR. Norman E. Borlaug.

WHEREAS, each state may provide two statues of notable citizens for display in the United States capitol, and may replace the statues if a resolution to do so is approved by a state's legislature and governor; and

WHEREAS, Dr. Norman E. Borlaug was born March 25, 1914, on a farm in Iowa, educated in a one-room school and worked his way through college during the depression, eventually earning a doctorate degree in plant pathology; and

WHEREAS, Dr. Borlaug, as a native son of Iowa, conducted groundbreaking work in breeding varieties of wheat to feed starving populations across the globe, earning the title of father of the "green revolution"; and

WHEREAS, Dr. Borlaug's breakthrough achievements in plant breeding resulted in the saving of as many as one billion lives, leading to his being described as the man who saved more lives than any other person who has ever lived; and

WHEREAS, Dr. Borlaug had the vision for the creation of the world food prize as the equivalent of a Nobel prize for food and agriculture; and

WHEREAS, in honor of his service to humanity, Dr. Borlaug also received a Nobel peace prize, a presidential medal of freedom, and the congressional gold medal; and

WHEREAS, the state of Iowa and the Iowa general assembly have enacted a permanent day of recognition on October 16 as Dr. Norman E. Borlaug World Food Prize Day; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. REPLACEMENT AUTHORIZATION. The state of Iowa authorizes the replacement of the statue of James Harlan with a statue honoring Dr. Norman E. Borlaug.

Sec. 2. COMMITTEE CREATED. A committee of seven is created, to be appointed by the governor and to serve at the pleasure of the governor, to exchange the statue of James Harlan currently on display in the United States capitol with a statue of Dr. Borlaug.

a. The committee shall select its own chairperson and establish its rules of procedure. The committee shall meet as may be deemed necessary by the chairperson. A majority of the members of the committee shall constitute a quorum.

b. Members shall serve without compensation or reimbursement for actual expenses.

c. The committee shall raise all of the funds necessary for the operation of the committee; and shall solicit donations to exchange the statue, commission the creation of a new statue, transport the replaced statue to the Iowa statehouse, and make all arrangements with the architect of the United States capitol necessary for the new statue to be put into place.

Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural affairs shall provide all necessary administrative support for

the committee and shall administer the capitol statuary fund.

Sec. 4. CAPITOL STATUARY FUND. A capitol statuary fund is created in the state treasury, to be administered by the department of cultural affairs. The proceeds of the fund shall be used for the purposes specified in section 2 of this resolution. Any funds remaining after the exchange of statues shall be used to suitably restore and relocate the Harlan statue. The department may accept gifts, grants, bequests, and other moneys, including but not limited to state or federal moneys, and in-kind contributions for deposit in the fund. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, any unexpended or unencumbered moneys remaining in the fund at the end of a fiscal year shall not revert to the general fund of the state, but shall remain available from the fund for expenditure by the department in succeeding fiscal years for the purposes specified in section 2 of this resolution.

Sec. 5. DISPLAY OF REPLACED STATUE. The department of administrative services shall provide for a perpetual display of the replaced statue at a suitable location within the statehouse.

Sec. 5. Section 15.105, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

15.105 Economic development authority.

1. The economic development authority is created, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which implement economic development policy in the state, and to undertake certain finance programs.

a. (1) The powers of the authority are vested in and shall be exercised by a board of eleven voting members appointed by the governor subject to confirmation by the senate. The voting members shall be comprised of the following:

(a) Two members from each United States congressional district in the state.

(b) Three members selected at large.

(2) Of the voting members appointed pursuant to subparagraph (1), the governor shall appoint the following:

(a) One person who is a member of the Iowa innovation council established in section 15.117A.

(b) One person who has professional experience in finance, insurance, or investment banking.

(c) One person who has professional experience in advanced manufacturing.

(d) One person with professional experience in small business development.

(e) One person with professional experience representing the interests of organized labor.

(f) Six persons who are actively employed in the private, for-profit sector of the economy or who otherwise have substantial expertise in economic development.

(3) The governor shall not appoint to the authority board any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the authority board or the board of directors of the corporation.

b. There shall be four ex officio, nonvoting legislative members consisting of the following:

(1) Two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate from their respective parties.

(2) Two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties.

c. (1) There shall be three ex officio, nonvoting members consisting of the following:

(a) The president of the state board of regents, or the president's designee.

(b) One person, selected by the Iowa association of independent colleges and universities, who is the president of a private college or university in the state, or that person's designee.

(c) One person, selected by the Iowa association of community college presidents, who is the president of a community college, or that person's designee.

(2) A person serving as a designee pursuant to subparagraph (1) shall serve a one-year term as an ex officio member of the authority board.

2. Members of the authority shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only



for the unexpired portion of the term. A member is eligible for reappointment. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. Members of the authority board shall not serve as directors of the corporation.

3. a. Seven voting members of the authority constitute a quorum.

b. The affirmative vote of a majority of the quorum described in paragraph "a" is necessary for any action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

c. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

4. Members of the authority are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. Members of the authority and the director shall give bond as required for public officers in chapter 64.

6. Meetings of the authority shall be held at the call of the chairperson or when two members so request.

7. Members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the director shall serve as secretary to the authority.

8. a. The members of the authority shall develop a strategic plan for economic development in the state.

b. (1) The strategic plan shall identify the authority's goals for the next calendar year and shall include a set of metrics that will be used to gauge and assess the extent to which the authority achieves those goals. Such metrics shall include, but are not limited to:

(a) The number of net new jobs created in the state.

(b) The average wage and benefit levels for such jobs.

(c) The impact to average household income for Iowa families as a result of the jobs created.

(d) Such other information as the authority or the director deems relevant.

(2) The strategic plan shall be submitted to the general assembly and the governor's office on or before January 31 of each year.

9. The net earnings of the authority, beyond that necessary to implement the public purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that no law shall impair the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa, or Article I, section 10, of the Constitution of the United States.

10. Members of the authority, or persons acting on behalf of the authority while acting within the scope of their agency or employment, are not subject to personal liability resulting from carrying out the powers and duties in this chapter.

11. The authority shall be the successor entity to the economic development board and the department of economic development which are hereby eliminated. The authority shall assume all duties and responsibilities previously assigned to the economic development board and the department of economic development to the extent that such duties and responsibilities are not otherwise assigned by the provisions of this subchapter.

Sec. 17. AUTHORITY MERGER STUDY. The economic development authority and the Iowa finance authority shall study the issue of merging the two authorities into a single authority. The authorities shall prepare a report analyzing the advantages and disadvantages of such a merger and assessing whether such a merger is feasible. The authorities shall submit the report to the governor and the general assembly on or before December 1, 2011.

## Senate File 122 - Enrolled

### Senate File 122

#### AN ACT

RELATING TO THE DUTIES OF THE COLLEGE STUDENT AID COMMISSION  
AND TO REQUIREMENTS REGARDING CERTAIN FINANCIAL AID PROGRAMS  
ADMINISTERED BY THE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 261.2, Code 2011, is amended by adding the following new subsections:

NEW SUBSECTION. 11. Ensure that students receiving state-funded scholarships and grants are attending institutions of higher education that meet all of the following conditions:

a. The institutions are not required to register under chapter 261B.

b. The institutions are eligible to participate in a federal student aid program authorized under Tit. IV of the federal Higher Education Act of 1965, as amended.

NEW SUBSECTION. 12. Require any postsecondary institution whose students are eligible for or who receive financial assistance under programs administered by the commission to transmit annually to the commission information about the numbers of minority students enrolled in and minority faculty members employed at the institution. The commission shall compile and report the information collected to the general assembly, the governor, and the legislative services agency by March 1 annually.

DIVISION III

REPORT ON THE POSSIBLE REGULATION  
OF INTRASTATE INTERNET POKER

Sec. 15. The administrator of the state racing and gaming commission shall prepare a report for delivery to the general assembly no later than December 1, 2011, regarding the creation of a framework for the state regulation of intrastate internet poker. The report shall consider the current state of unregulated internet poker play in Iowa, consumer protection, and responsible gaming measures that can be implemented through regulation, licensing structures, regulatory recommendations, affiliations with licensees regulated under chapter 99F, and the collection of wagering taxes. The administrator may consult with licensees regulated under chapter 99F, with tribes that have entered into an agreement or compact with the state of Iowa as described in section 10A.104, subsection 10, with potential internet poker hub operators, and with any other interested parties in the preparation of the report. The administrator shall not be required within the report to make specific recommendations regarding the legalization of intrastate internet poker in Iowa. The director of public health shall prepare a report for delivery to the administrator of the state racing and gaming commission no later than October 1, 2011, regarding the societal impacts of internet poker in Iowa for inclusion in the administrator's report. The director shall not be required within the director's report to make specific recommendations regarding the legalization of intrastate internet poker in Iowa.

69.16D Boards and commissions — criteria for establishing.

1. Prior to establishing a new appointive board, commission, committee, or council of the state, the general assembly shall consider all of the following:

a. Whether there is an existing board or commission that would be able to perform the duties of the new board, commission, committee, or council.

b. The estimated annual cost of the new board, commission, committee, or council, including any additional personnel costs arising out of the creation of the new board, commission, committee, or council.

c. Whether a repeal date is needed for the new board, commission, committee, or council. Whenever possible, an appropriate repeal date should be included.

2. This section shall apply to appointive boards, commissions, committees, and councils of the state established by the Code on or after July 1, 2010.

2010 Acts, ch 1031, §421

NEW section

## House File 322 - Enrolled

### House File 322

#### AN ACT

RELATING TO THE CREATION OF A TASK FORCE CONCERNING DRUG  
PRODUCT SELECTION RELATIVE TO ANTIEPILEPTIC DRUGS FOR THE  
TREATMENT OF EPILEPTIC SEIZURES AND INCLUDING EFFECTIVE DATE  
PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. EPILEPSY TREATMENT AND EDUCATION TASK FORCE.

1. a. Within sixty days of the effective date of this Act, a task force consisting of patients, physicians, and pharmacists shall be formed to provide education and information and to assess the impact on people with epilepsy of generically equivalent drug product selection of antiepileptic drugs for the treatment of epileptic seizures. The department of public health shall provide administrative support to the task force.

b. The membership of the task force shall consist of the following members, appointed by the specified organization:

(1) Three patients or patient representatives appointed by the epilepsy foundation of Iowa.

(2) Three physicians appointed by the Iowa medical society and the Iowa osteopathic medical association.

(3) Three pharmacists appointed by the Iowa pharmacy association in collaboration with the Iowa retail federation.

2. a. A subcommittee of the task force, equally representative of patients, physicians, and pharmacists, shall work with the epilepsy foundation of Iowa and other appropriate entities to develop education and information materials on epilepsy treatment and medication selection.

b. The materials shall be developed and distributed in a manner that informs the perspectives of patients, physicians, pharmacists, and insurers.

3. The department of public health, in consultation with the epilepsy foundation of Iowa, shall administer any funds appropriated or received for the purposes of the task force. The funds shall be distributed through a grant to the epilepsy foundation of Iowa for the development and distribution of education and information materials as specified in this section.

4. It is the intent of the general assembly that the only changes made in the law regarding drug product selection of antiepileptic drugs for the treatment of epileptic seizures for the duration of the task force shall be those necessary to comply with changes by the United States food and drug administration regarding interchangeability standards for the use of substitution for such drugs.

5. The task force shall submit a report of its activities, findings, and any recommendations to the general assembly by January 1, 2013. The task force shall be dissolved on that date.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

## House File 390 - Enrolled

House File 390

### AN ACT

RELATING TO AN ALZHEIMER'S DISEASE RESPONSE STRATEGY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. ALZHEIMER'S DISEASE ==== RESPONSE STRATEGY.

1. The department of public health shall convene a stakeholder workgroup to design a strategy to respond to the needs of Iowans with Alzheimer's disease and other forms of dementia that includes action steps, a timeline for implementation, and identification of the parties responsible for specific activities. In developing the response strategy, the workgroup shall review the recommendations and the current status of the recommendations submitted to the governor and the general assembly by the Alzheimer's disease task force in January 2008; consider the most current research developments and available data regarding Alzheimer's disease and other forms of dementia; and integrate the activities and expertise of any existing public or private programs, initiatives, or opportunities that offer potential for coordination and collaboration relative to, or the financing of, the response strategy.

2. The stakeholder workgroup shall be comprised of, at a minimum, representatives of the department of public health, the department on aging, the department of inspections and appeals, the department of human services, the Alzheimer's association, the Iowa caregivers association, long-term care providers, home and community-based services providers, consumer advocates, and health care providers.

3. The stakeholder workgroup shall submit the response strategy to the governor and the general assembly no later than November 15, 2011. The strategy shall specifically include a recommendation for the location of an office for Alzheimer's disease and other forms of dementia within state government, recommendations to institute the public and private partnership necessary to most efficiently and effectively implement the response strategy and provide continuing collaboration, and any recommendations for ongoing data collection and funding to support the response strategy.



Sec. 36. PILOT OR DEMONSTRATION RESEARCH PROJECTS ====

PRACTICE OF PHARMACY.

1. Notwithstanding any provision of section 147.107, subsection 2, to the contrary, the board of pharmacy may approve a pilot or demonstration research project of innovative applications in the practice of pharmacy relating to the authority of prescription verification and the ability of a pharmacist to provide enhanced patient care.

2. The board of pharmacy shall adopt rules and procedures pursuant to chapter 17A for application for and approval of such projects. The rules may include exceptions to any existing rules under the purview of the board of pharmacy as necessary for completion of the project, limited to the duration of the project. The duration of any project approved by the board of pharmacy shall not exceed eighteen months and shall comply with the rules and procedures adopted for such projects.

3. The board of pharmacy shall not approve any project that expands the practice of pharmacy as defined in section 155A.3.

4. The board of pharmacy shall submit a report to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services regarding the approval or denial of any projects.

DIVISION XIV

HEALTH INFORMATION TECHNOLOGY SYSTEM

Sec. 111. HEALTH INFORMATION TECHNOLOGY SYSTEM == BUSINESS MODEL AND FINANCIAL SUSTAINABILITY PLAN.

1. The department of public health shall convene a workgroup to develop a business model and financial sustainability plan for implementation of a statewide health information technology system. The workgroup shall incorporate the results of the public and private collaborative efforts described in chapter 135, division XXI into its deliberations. The workgroup shall include all of the following selected by the director of public health, unless otherwise specified:

a. Two members who are representatives of hospitals selected by the Iowa hospital association, one of which represents the largest health system in the state.

b. One member who is a representative of the university of Iowa hospitals and clinics.

c. One member who is a licensed practicing physician selected by the Iowa medical society.

d. One member who is a licensed practicing physician selected by the Iowa osteopathic medical association.

e. Two members who are representatives of insurance carriers selected by the federation of Iowa insurers, one of which represents the largest carrier.

f. One member who represents the Iowa Medicaid enterprise.

g. One member who represents the department of public health.

h. One member who is a business entrepreneur selected by the governor.

2. In developing the business model and financial sustainability plan the workgroup shall consider and make recommendations regarding fees to be paid by participants who choose to use the health information technology system; strategies to avoid the use of general fund appropriations for sustainability of the health information technology system; the establishment of a dedicated electronic health finance fund; and the transitioning of technical infrastructure, business operations, and governance of the health information technology system to a nongovernmental entity.

3. The department of public health shall submit the proposed business model and financial sustainability plan to the executive committee established pursuant to section 135.156 and the state board of health for approval.

4. The approved business model and financial sustainability plan shall be submitted to the governor and the general assembly no later than December 1, 2011, for review and subsequent action.

Sec. 87. TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF  
CHILDREN.

1. A task force on the prevention of sexual abuse of children is established consisting of the following members:

a. Four members of the general assembly serving as ex officio, nonvoting members, with not more than one member from each chamber being from the same political party. The two senators shall be appointed, one each, by the majority leader of the senate and by the minority leader of the senate. The two representatives shall be appointed, one each, by the speaker of the house of representatives and by the minority leader of the house of representatives.

b. The director of human services or the director's designee.

c. The director of the department of education or the director's designee.

d. The director of public health or the director's designee.

e. The state court administrator or the state court administrator's designee.

f. A representative of the Iowa county attorneys association, appointed by the president of that association.

g. A representative of the chief juvenile court officers, appointed by the chief justice of the supreme court.

h. A representative of the Iowa state education association, appointed by the president of that organization.

i. A representative of prevent child abuse Iowa, appointed by the director of human services.

j. A representative of school administrators of Iowa, appointed by the president of that organization.

k. A representative of the Iowa association of school boards, appointed by the executive director of that organization.

l. A representative of the Iowa psychological association, appointed by the president of that association.

m. A representative of the Iowa coalition against sexual assault, appointed by the executive director of that coalition.

n. A representative of prevent child abuse Iowa, appointed by the executive director of that organization.

o. A child abuse expert employed by or under contract with one of Iowa's nationally accredited child protection centers, appointed by the director of the regional child protection center located in Des Moines.

2. Members of the task force shall be individuals who are actively involved in the fields of child abuse prevention. To the extent possible, appointment of members shall reflect the geographic diversity of the state. The voting members of the task force shall serve without compensation and shall not be reimbursed for their expenses.

3. The director of prevent child abuse Iowa, or the director's designee, shall convene the organizational meeting of the task force. The task force shall elect from among its members a chairperson. Meetings shall be held at the call of the chairperson or at the request of two or more task force members. Six members shall constitute a quorum and the affirmative vote of six members shall be necessary for any action taken by the task force.

4. Prevent child abuse Iowa shall provide staff support to the task force.

5. The task force shall consult with employees of the department of human services, the Iowa coalition against sexual

assault, the department of public safety, the state board of education, and any other state agency or department as necessary to accomplish the task force's responsibilities under this section.

6. The task force shall develop a model policy addressing sexual abuse of children that may include but is not limited to the following:

a. Age-appropriate curricula for students enrolled in prekindergarten through grade five.

b. Training options for school personnel on child sexual abuse.

c. Educational information for parents and guardians that may be provided in a school handbook and may include the warning signs of a child being abused, along with any needed assistance, referral, or resource information.

d. Counseling options and resources available statewide for students affected by sexual abuse.

e. Emotional and educational support services that may be available for a child subject to abuse to continue to be successful in school.

f. Methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children, including but not limited to knowledge of likely warning signs indicating that a child may be a victim of sexual abuse.

g. Actions that a child who is a victim of sexual abuse should take to obtain assistance and intervention.

7. The task force shall make recommendations for preventing the sexual abuse of children in Iowa. In making those recommendations, the task force shall do the following:

a. Gather information concerning child sexual abuse throughout the state.

b. Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations.

c. Create goals for state policy that would prevent child sexual abuse.

d. Submit a final report with its recommendations to the governor and the general assembly on or before January 16, 2012. The recommendations may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state, local school districts, and other local governments.

Sec. 7. CHILD PROTECTION SYSTEM IMPROVEMENTS.

1. The department of human services shall continue working with the office of the attorney general, department of inspections and appeals, office of the citizens' aide, prevent child abuse Iowa, Iowa civil liberties union, and other stakeholders to develop and implement improvements in the child abuse assessment and registry processes and other child protection system provisions as outlined in this section in order to ensure the due process rights of persons alleged to have committed child abuse are addressed in a more timely manner while also ensuring that children are protected from abuse.

2. The department shall implement near-term solutions that can be initiated without legislation, which may include but are not limited to all of the following:

a. Shifting financial resources to expand the positions in the office of the attorney general involved with child abuse appeals.

b. Improving the training of child protection workers regarding evidence standards, confirmed child abuse, and founded child abuse.

c. Expediting process for the director of human services' review and response to administrative law judge decisions.

3. The department shall propose options to address long-term issues with the child protection system, including but not limited to all of the following:

a. Considering changes to registry placement provisions to verify that registry placement applies to the persons who have posed a consequential risk to the health and safety of the child found to have been abused and unwarranted placement is limited or eliminated.

b. Providing a differential response to child abuse allegations based upon the severity of the allegation.

c. Allowing for reconsideration of founded abuse findings or registry placement status based upon the rehabilitation of the alleged perpetrator.

d. Providing a differential approach as to the duration of registry placement based upon the severity of the child abuse finding.

4. The department shall report to the members of the general assembly's standing committees on human resources and the legislative services agency providing statistics and other information concerning improvements implemented, improvements planned, and improvements recommended. The report shall be submitted on or before December 15, 2011.

Sec. 17. JUVENILE DETENTION HOME FUND.

1. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2011, and ending June 30, 2012, are appropriated to the department of human services for the fiscal year beginning July 1, 2011, and ending June 30, 2012, for distribution of an amount equal to a percentage of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2010. Moneys appropriated for distribution in accordance with this section shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2010. The percentage figure shall be determined by the department based on the amount available for distribution for the fund. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2011, shall be limited to the amount appropriated for the purposes of this section.

2. Representatives of chief juvenile court officers, the department of human rights, and the department of human services shall work with juvenile detention centers and other stakeholders to review the current methodology for distribution of moneys from the juvenile detention home fund, consider alternative distribution methodologies, and report findings and recommendations to the persons designated by this division of this Act for the submission of reports by December 15, 2011. It is the intent of the general assembly to shift responsibility for administering the fund from the department of human services to the division of criminal and juvenile justice planning of the department of human rights, effective with the fiscal year beginning July 1, 2012.

DIVISION VIII

REPRESENTATION BY COUNTY ATTORNEY IN JUVENILE PROCEEDINGS

Sec. 12. LEGAL REPRESENTATION OF THE DEPARTMENT OF HUMAN SERVICES == STUDY. The department of human services shall consult with representatives of county attorneys, the office of the attorney general, and other stakeholders in performing a review of the role of the county attorney in representing the department of human services in juvenile proceedings under chapter 232. The review shall include the issues addressed in House File 608, introduced by the committee on judiciary of the house of representatives during the 2011 Session, and other issues identified by stakeholders. The department shall report the results of the review along with findings and recommendations to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services and of the committees on judiciary of the senate and house of representatives, and the legislative services agency on or before December 15, 2011.

SF 510

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2012. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 37. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2013. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.



SF 510

Section 1

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2012, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2010, and actual and expected reimbursements for the fiscal year commencing July 1, 2011.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2012.

Section 30

2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2013, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2011, and actual and expected reimbursements for the fiscal year commencing July 1, 2012.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2013.

SF 510

Sec. 7. INTENT ==== REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2011, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private=sector employment to the legislative services agency beginning on July 1, 2011. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 36. INTENT ==== REPORTS.

1. The department of corrections in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2012, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. On a quarterly basis the department shall provide a status report regarding private=sector employment to the legislative services agency beginning on July 1, 2012. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

SF 517 - Audit of DWD

Sec. 16. ACCOUNTABILITY ==== AUDIT. The auditor of state shall annually conduct an audit of the department of workforce development and shall report the findings of such annual audit, including the accountability of programs of the department, to the chairpersons and ranking members of the joint appropriations subcommittee on economic development. The department shall pay for the costs associated with the audit.

Sec. 62. ACCOUNTABILITY ==== AUDIT. The auditor of state shall annually conduct an audit of the department of workforce development and shall report the findings of such annual audit, including the accountability of programs of the department, to the chairpersons and ranking members of the joint appropriations subcommittee on economic development. The department shall pay for the costs associated with the audit.

c. (1) The department of human services shall design the workgroup process to facilitate effective decision making while allowing for a broad array of input. The workgroup process shall begin as soon after the effective date of this Act as is practicable. The membership of workgroups and subcommittees involved with the process shall include consumers, service providers, county representatives, and advocates and provide for adequate representation by both rural and urban interests. The department of public health shall be represented on those workgroups and subcommittees with a focus relevant to the department.

(2) The detailed and final proposals developed by the workgroups during the 2011 interim shall be submitted to the interim committee on or before December 9, 2011.

d. At least one workgroup shall address redesign of the adult mental health system and at least one workgroup shall address redesign of the adult intellectual and other developmental disability system. The workgroup process shall engage separate workgroups and subcommittees enumerated in this Act and may involve additional bodies in the process as determined by the department.

e. It is intended that interim committee members be engaged, to the extent possible, in workgroup deliberations and begin formal discussions of preliminary proposals developed by the workgroups beginning in October.

4. The workgroup process implemented by the department of human services pursuant to subsection 3 shall result in the submission of proposals for redesign of adult disability services that include but are not limited to all of the following:

a. Identifying clear definitions and requirements for the following:

(1) Eligibility criteria for the individuals to be served.

(2) The array of core services and other support to be included in regional adult disability services plans and to be delivered by providers based on individual needs and medical necessity and in a manner that promotes cost-effectiveness, uniformity, accessibility, and best practice approaches. The array shall encompass and integrate services and other support paid for by both the Medicaid program and other sources.

(3) Outcome measures that focus on consumer needs, including but not limited to measures addressing individual choice, empowerment, and community.

(4) Quality assurance measures.

(5) Provider accreditation, certification, or licensure requirements to ensure high quality services while avoiding unreasonable expectations and duplicative surveys.

(6) Input in regional service plans and delivery provisions by consumer and provider representatives. The input process shall engage local consumers, providers, and counties in developing the regional provisions.

(7) Provisions for representatives of the regional system and the department to regularly engage in discussions to resolve Medicaid and non-Medicaid issues involving documentation requirements, electronic records, reimbursement methodologies, cost projections, and other measures to improve the services and other support available to consumers.

b. Incorporating strategies to allow individuals to receive services in accordance with the principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), in order for services to

be provided in the most community-based, least restrictive, and integrated setting appropriate to an individual's needs.

c. Continuing the department's leadership role in the Medicaid program in defining services covered, establishing reimbursement methodologies, providing other administrative functions, and engaging in federal options for program enhancements that are beneficial to consumers and the state such as medical or behavioral health homes.

d. Implementing mental health crisis response services statewide in a manner determined to be most appropriate by each region.

e. Implementing a subacute level of care to provide short-term mental health services in a structured residential setting that supplies a less intensive level of care than is supplied by acute psychiatric services.

f. Reviewing best practices and programs utilized by other states in identifying new approaches for addressing the needs for publicly funded services for persons with brain injury. The proposals regarding these approaches may be submitted after the workgroup submission date set out in subsection 3.

g. Developing a proposal for addressing service provider and other workforce shortages. The development of the proposal shall incorporate an examination of scope of practice limitations and barriers to recruiting providers and maintaining the workforce, including recruitment of minorities and addressing cultural competency considerations for the workforce in general and for accrediting professional level providers, evaluating the impact of inadequate reimbursement, identifying the appropriate state role in providing the resources to ensure an appropriately trained workforce is available, and an examination of the variation in health insurance payment provisions for the services provided by different types of providers.

h. Developing a proposal for service providers addressing co-occurring mental health, intellectual disability, brain injury, and substance abuse disorders. Each workgroup or subcommittee shall address co-occurring disorders as appropriate to the focus of the workgroup or subcommittee. The overall proposal may be developed by a body consisting of members from other workgroups or subcommittees. The proposal shall also provide options, developed in coordination with the judicial branch and department of human services workgroup, for implementation of the provision of advocates to patients with substance-related disorders.

i. Developing a proposal for redesign of publicly funded children's disability services, including but not limited to the needs of children who are placed out-of-state due to the lack of treatment services in this state. The proposal shall be developed by a separate workgroup or subcommittee led by the department of human services, in consultation with the department of public health, and in addition to the other interests and representation required by this section, the membership shall include the department of human services staff involved with child welfare, children's mental health, and Medicaid services, and education system and juvenile court representatives. The preliminary findings and recommendations, and the initial proposal shall be submitted by the October and December 2011 dates required for other workgroups and subcommittees. The initial proposal developed during the 2011 legislative interim shall include an analysis of gaps in the

children's system and other planning provisions necessary to complete the final proposal for submission on or before December 10, 2012.

j. Developing a proposal for adult disability services not paid for by the Medicaid program to be administered on a regional basis in a manner that provides multiple local points of access for consumers needing adult disability services, regardless of the funding sources for the services. The proposal shall be integrated with the other proposals under this subsection and shall be developed by a separate workgroup or subcommittee engaging both urban and rural county supervisors and central-point-of-coordination administrators and other experts. The considerations for inclusion in the proposal for forming regional entities shall include but are not limited to all of the following:

(1) Modifying the relevant provisions of chapter 28E for use by counties in forming regional entities and addressing other necessary contracting measures.

(2) Providing for performance-based contracting between the department of human services and regional entities to ensure the existence of multiple, local points of access for adult disability services eligibility, intake, and authorization, service navigation support, and case coordination or case management, regardless of the funding sources for the services.

(3) Developing a three-year service plan and annual update to meet the needs of consumers.

(4) Providing for the regional entities to implement performance-based contracts, uniform cost reports, and consistent reimbursement practices and payment methodologies with local providers of services not paid for by the Medicaid program.

(5) Providing for the regional entities to determine the Medicaid program targeted case managers to serve the regions.

(6) Providing for the regional entities and the department of human services to regularly coordinate and communicate with one another concerning the adult disability services paid for by the Medicaid program so that services paid for by the program and the regional entities are integrated and coordinated.

(7) Identifying sufficient population size to attain economy of scale, adequate financial resources, and appropriate service delivery.

(8) Addressing full participation in regional entities by counties.

(9) Including dispute resolution provisions for county-to-county relationships, county-to-region relationships, and region-to-state relationships.

(10) Providing for a consumer appeal process that is clear, impartial, and consistent, with consideration of an option that appeals beyond the regional level should be to a state administrative law judge.

(11) Addressing financial management provisions, including appropriate financial reserve levels.

(12) Proposing other criteria for forming regional entities. The other criteria considered shall include but are not limited to all of the following:

(a) Requiring a region to consist of contiguous counties.

(b) Evaluating a proposed region's capacity for providing core services and performing required functions.

(c) Requiring a region to encompass at least one community

mental health center or federally qualified health center with providers qualified to provide psychiatric services, either directly or with assistance from psychiatric consultants, that has the capacity to provide outpatient services for the region and has provided evidence of a commitment to provide outpatient services for the region.

(d) Requiring a region to encompass or have reasonably close proximity to a hospital with an inpatient psychiatric unit or to a state mental health institute, that has the capacity to provide inpatient services for the region and has provided evidence of a commitment to provide inpatient services for the region.

(e) Requiring an administrative structure utilized by a region to have clear lines of accountability and to serve as a lead agency with shared county staff or other means of limiting administrative costs to not more than five percent of expenditures.

k. Incorporating into proposals any necessary changes to the chapter 230A amendments contained in this Act.

1. Providing cost estimates for the proposals.

5. The target date for full implementation of the plan and implementation provisions described in subsections 3 and 4 shall be July 1, 2013, provided, however, that any expansion of services is subject to available funding.

## Continuation of Workgroup

### SF 525

Sec. 2. CONTINUATION OF WORKGROUP BY JUDICIAL BRANCH AND DEPARTMENT OF HUMAN SERVICES. The judicial branch and department of human services shall continue the workgroup implemented pursuant to 2010 Iowa Acts, chapter 1192, section 24, subsection 2, to improve the processes for involuntary commitment for chronic substance abuse under chapter 125 and for serious mental illness under chapter 229, and shall coordinate its efforts with the legislative interim committee and other workgroups initiated pursuant to this Act. The recommendations issued by the workgroup shall address options to the current provision of transportation by the county sheriff; to the role, supervision, and funding of mental health patient advocates and substance-related disorder patient advocates, along with options for implementation of the provision of advocates to patients with such disorders; for revising requirements for mental health professionals who are engaged in the involuntary commitment and examination processes under chapter 229; for authorizing the court to order an involuntary hold of a patient under section 229.10 for not more than twenty-three hours who was not initially taken into custody but declined to be examined pursuant to a previous court order; for implementing jail diversion programs, comprehensive training of law enforcement in dealing with individuals who are experiencing a mental health crisis, mental health courts, and other promising reforms involving mental health and the criminal justice system; and for civil commitment prescreening. Preliminary recommendations shall be submitted to the legislative interim committee in October 2011, as specified by the interim committee. Additional stakeholders shall be added as necessary to facilitate the workgroup efforts. The workgroup shall complete deliberations and submit a final report to the legislative interim committee providing findings and recommendations on or before December 9, 2011.

### HF 649

Sec. 47. JUDICIAL BRANCH AND DEPARTMENT OF HUMAN SERVICES WORKGROUP == RESIDENTIAL CARE FACILITIES. The workgroup implemented by the judicial branch and the department of human services pursuant to 2010 Iowa Acts, chapter 1192, section 24, subsection 2, and continued pursuant to 2011 Iowa Acts, Senate File 525, shall also address recommendations included in the final report of the stakeholder workgroup on residential care facilities implemented pursuant to 2010 Iowa Acts, chapter 1192, section 27, subsection 7. The recommendations addressed shall include but are not limited to educating judicial magistrates and mental health patient advocates on ways to enhance the consistency of services for individuals who are court ordered to a residential care facility. In addition, the workgroup shall address issues involved with identifying facilities with the capacity to provide an appropriate placement for an individual who has been arrested, charged, or convicted of assault, a forcible felony, arson, or an offense that requires registration as a sex offender under chapter 692A. The recommendations shall be included in the recommendations and report submitted by the workgroup pursuant to 2011 Iowa Acts, Senate File 525.



Sec. 3. SERVICE SYSTEM DATA AND STATISTICAL INFORMATION INTEGRATION. In coordination with the legislative interim committee and workgroups initiated pursuant to this Act, representatives of the department of human services, department of public health, and the community services network hosted by the Iowa state association of counties shall develop implementation provisions for an integrated data and statistical information system for mental health, disability services, and substance abuse services. The implementation provisions shall incorporate federal data and statistical information requirements. When completed, the departments and affiliate shall report on the integrated system to the governor, the joint appropriations subcommittee on health and human services, and the legislative services agency, providing their findings and recommendations.

5. a. The department shall establish a transition committee that includes departmental staff representatives for Medicaid, child welfare, field, and mental health services, the director of the Iowa plan, the department of inspections and appeals, a representative of each licensed PMIC, the executive director of the coalition of family and children's services in Iowa, a person with knowledge and expertise in care coordination and integration of PMIC and community-based services, two persons representing families affected by the children's mental health system, and a representative of juvenile court officers.

b. The transition committee shall develop the plan and manage the transition if the plan is implemented. A preliminary plan shall be provided to the legislative interim committee authorized pursuant to division I of this Act for consideration by the committee in October 2011. The completed plan shall be provided to the interim committee by December 9, 2011, and any revisions to address concerns identified by the interim committee shall be incorporated into a final plan developed by December 31, 2011, which shall be submitted to the general assembly by January 16, 2012. The submitted plan shall include an independent finding by the director of human services, in consultation with the office of the governor and the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, that the plan meets the intent of the general assembly under this section. Unless otherwise directed by enactment of the general assembly the department and the transition committee may proceed with implementation of the submitted plan on or before July 1, 2012.

c. The transition committee shall continue to meet through December 31, 2013, to oversee transition of PMIC services to the Iowa plan.

6. The director of the Medicaid enterprise of the department of human services shall annually report on or before December 15 to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services through December 15, 2016, regarding the implementation of this section. The content of the report shall include but is not limited to information on children served by PMIC providers, the types of locations to which children are discharged following a hospital or PMIC placement and the community-based services available to such children, and the incidence of readmission to a PMIC within 12 months of discharge. The report shall also recommend whether or not to continue administration of PMIC services under the Iowa plan based upon the quality of service delivery, the value of utilizing the Iowa plan administration rather than the previous approach through the Medicaid enterprise, and analysis of the cost and benefits of utilizing the Iowa plan approach.

## CHAPTER 77

### SALES AND USE TAX — INDUSTRIAL PROCESSING EXEMPTION STUDY

*H.F. 313*

AN ACT relating to the establishment of an industrial processing exemption study committee and including an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. INDUSTRIAL PROCESSING EXEMPTION STUDY COMMITTEE. Upon enactment of this Act, the department of revenue shall initiate and coordinate the establishment of an industrial processing exemption study committee and provide staffing assistance to the committee. It is the intent of the general assembly that the committee shall include representatives of the department of revenue, department of management, industrial producers including manufacturers, fabricators, printers and publishers, and an association that specifically represents business tax issues, and other stakeholders.

The industrial processing exemption under the sales and use tax is a significant exemption for business. The committee shall study and make legislative and administrative recommendations relating to Iowa's processing exemption to ensure maximum utilization by Iowa's industries.

The committee shall study and make recommendations regarding all of the following:

1. The current sales and use tax industrial processing exemption.
2. The corresponding administrative rules, including a review and recommendation of an administrative rules process relating to the industrial processing exemption prior to filing with the administrative rules review committee.
3. Other states' industrial processing exemptions.
4. Recommendations for change for issues including effectiveness and competitiveness.
5. Development of additional publications to improve compliance.

The committee shall annually report to the general assembly by January 1 of each year through January 1, 2013.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

**307.31 Periodic review of revenues — evaluation of alternative funding sources.**

1. The department shall periodically review the current revenue levels of the road use tax fund and the sufficiency of those revenues for the projected construction and maintenance needs of city, county, and state governments in the future. The department shall submit a written report to the general assembly regarding its findings by December 31 every five years, beginning in 2011. The report may include recommendations concerning funding levels needed to support the future mobility and accessibility for users of Iowa's public road system.

2. The department shall evaluate alternative funding sources for road maintenance and construction and report to the general assembly at least every five years on the advantages and disadvantages and the viability of alternative funding mechanisms. The department's evaluation of alternative funding sources may be included in the report submitted to the general assembly under subsection 1.

3. *a.* The program manager shall submit an annual report by January 15 of each year to the general assembly's standing committees on government oversight advising the general assembly of the status of E911 implementation and operations, including both wire-line and wireless services, the distribution of surcharge receipts, and an accounting of the revenues and expenses of the E911 program.

*b.* The program manager shall submit a calendar quarter report of the revenues and expenses of the E911 program to the fiscal services division of the legislative services agency.

*c.* The general assembly's standing committees on government oversight shall review the priorities of distribution of funds under this chapter at least every two years.

**421.1A Property assessment appeal board.**

1. A statewide property assessment appeal board is created for the purpose of establishing a consistent, fair, and equitable property assessment appeal process. The statewide property assessment appeal board is established within the department of revenue for administrative and budgetary purposes. The board's principal office shall be in the office of the department of revenue in the capital of the state.

2. *a.* The property assessment appeal board shall consist of three members appointed to staggered six-year terms, beginning and ending as provided in section 69.19, by the governor and subject to confirmation by the senate. Subject to confirmation by the senate, the governor shall appoint from the members a chairperson of the board to a two-year term. Vacancies on the board shall be filled for the unexpired portion of the term in the same manner as regular appointments are made. The term of office for the initial board shall begin January 1, 2007.

*b.* Each member of the property assessment appeal board shall be qualified by virtue of at least two years' experience in the area of government, corporate, or private practice relating to property appraisal and property tax administration. One member of the board shall be a certified real estate appraiser or hold a professional appraisal designation, one member shall be an attorney practicing in the area of state and local taxation or property tax appraisals, and one member shall be a professional with experience in the field of accounting or finance and with experience in state and local taxation matters. No more than two members of the board may be from the same political party as that term is defined in section 43.2.

*c.* The property assessment appeal board shall organize by appointing a secretary who shall take the same oath of office as the members of the board. The board may employ additional personnel as it finds necessary. All personnel employed by the board shall be considered state employees and are subject to the merit system provisions of chapter 8A, subchapter IV.

3. At the election of a property owner or aggrieved taxpayer or an appellant described in section 441.42, the property assessment appeal board shall review any final decision, finding, ruling, determination, or order of a local board of review relating to protests of an assessment, valuation, or application of an equalization order.

4. The property assessment appeal board may do all of the following:

*a.* Affirm, reverse, or modify a final decision, finding, ruling, determination, or order of a local board of review.

*b.* Order the payment or refund of property taxes in a matter over which the board has jurisdiction.

*c.* Grant other relief or issue writs, orders, or directives that the board deems necessary or appropriate in the process of disposing of a matter over which the board has jurisdiction.

*d.* Subpoena documents and witnesses and administer oaths.

*e.* Adopt administrative rules pursuant to chapter 17A for the administration and implementation of its powers, including rules for practice and procedure for protests filed with the board, the manner in which hearings on appeals of assessments shall be conducted, filing fees to be imposed by the board, and for the determination of the correct assessment of property

which is the subject of an appeal.

*f.* Adopt administrative rules pursuant to chapter 17A necessary for the preservation of order and the regulation of proceedings before the board, including forms or notice and the service thereof, which rules shall conform as nearly as possible to those in use in the courts of this state.

5. The property assessment appeal board shall employ a competent attorney to serve as its general counsel, and assistants to the general counsel as it finds necessary for the full and efficient discharge of its duties. The general counsel is the attorney for, and legal advisor of, the board. The general counsel or an assistant to the general counsel shall provide the necessary legal advice to the board in all matters and shall represent the board in all actions instituted in a court challenging the validity of a rule or order of the board. The general counsel shall devote full time to the duties of the office. During employment as general counsel to the board, the counsel shall not be a member of a political committee, contribute to a political campaign, participate in a political campaign, or be a candidate for partisan political office. The general counsel and assistants to the general counsel shall be considered state employees and are subject to the merit system provisions of chapter 8A, subchapter IV.

6. The members of the property assessment appeal board shall receive compensation from the state commensurate with the salary of a district judge through December 31, 2013. The members of the board shall be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

7. *a.* Effective January 1, 2012, a property assessment appeal board review committee is established. Staffing assistance to the committee shall be provided by the department of revenue. The committee shall consist of six members of the general assembly, two appointed by the majority leader of the senate, one appointed by the minority leader of the senate, two appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives; the director of revenue or the director's designee; a county assessor appointed by the Iowa state association of counties; and a city assessor appointed by the Iowa league of cities.

*b.* The property assessment appeal board review committee shall review the activities of the property assessment appeal board since its inception. The review committee may recommend the revision of any rules, regulations, directives, or forms relating to the activities of the property assessment appeal board.

*c.* The review committee shall report to the general assembly by January 15, 2013. The report shall include any recommended changes in laws relating to the property assessment appeal board, the reasons for the committee's recommendations, and any other information the committee deems advisable.

2005 Acts, ch 150, §121; 2006 Acts, ch 1185, §30; 2007 Acts, ch 215, §27

Confirmation, see §2.32

For future repeal of this section effective July 1, 2013, see 2005 Acts, ch 150, §134

Subsection 6 amended

**321M.9 Financial responsibility.**

1. *Fees to counties.* Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321.218A or 321A.32A shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

2. *Digitized photolicensing equipment.*

a. The department shall pay for all digitized photolicensing equipment, including that used by the department and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease of digitized photolicensing equipment.

b. An issuing county shall be entitled to one set of digitized photolicensing equipment, unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment.

3. *Other equipment.* The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following:

a. Office furniture.

b. Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process.

\*4. *Periodic fee adjustment.* The auditor of state, in consultation with the state department of transportation and the Iowa county treasurers association, shall conduct a study of the fiscal impact of the county driver's license issuance program and report its findings and recommendations to the general assembly prior to January 1, 2006, and repeat the study and reporting every four years thereafter. The auditor of state's costs for conducting the study shall be paid by the department. The study shall include a comparison of the cumulative costs to issue driver's licenses and nonoperator's identification cards under both the state department of transportation program and the county issuance program. The study shall be based on those issuance activities that are common to both programs. Prior to the study period, the auditor of state shall meet with the department and the county treasurers association to determine the study methodology to ensure appropriate accounting for time and cost during the study. The findings and recommendations submitted by the auditor of state shall be considered by the general assembly in adjusting the amount of the fees retained by the county treasurers for issuance of driver's licenses and nonoperator's identification cards.